

"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, March 12, 2024 at 12:00 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 – Women’s History Month
 - ❖ Proclamation – Cedar Rapids Jefferson High School Academic Decathlon Team

PUBLIC HEARINGS

1. A public hearing will be held to consider amending Chapter 32 of the Municipal Code, Zoning, to update zone districts, use-specific standards, development standards, review and approval procedures, nonconformities and definitions (Haley Sevensing). **(Council Priority)** CIP/DID #CD-0048-2018
 - a. First Reading: Ordinance amending Chapter 32 of the Municipal Code, Zoning, to update zone districts, use-specific standards, development standards, review and approval procedures, nonconformities and definitions.
2. A public hearing will be held to consider repealing Chapter 32B of the Municipal Code, Floodplain Management, and enacting a new Chapter 32B in its place to continue participating in the National Flood Insurance Program, qualify for increased premium discounts for property owners, and adopt higher protection standards within the Special Flood Hazard Areas and for critical facilities in the shaded X Flood Zones (William Micheel). CIP/DID #DSD-001-24
 - a. First Reading: Ordinance repealing Chapter 32B of the Municipal Code, Floodplain Management, and enacting a new Chapter 32B in its place to continue participating in the National Flood Insurance Program, qualify for increased premium discounts for property owners, and adopt higher protection standards within the Special Flood Hazard Areas and for critical facilities in the shaded X Flood Zones.

3. A public hearing will be held to consider the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$3,100,000 Sewer Revenue Capital Loan Notes (Dave Wallace). CIP/DID #6150071-01
 - a. Resolution instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$3,100,000 Sewer Revenue Capital Loan Notes.
4. A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the J Ave WTP Storm Sewer Improvements project (estimated cost is \$200,000) (Dave Wallace). CIP/DID #PUR0224-215
 - a. Resolution adopting plans, specifications, form of contract and estimated cost for the J Ave WTP Storm Sewer Improvements project.
5. A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the ADA Compliance at McGrath Amphitheater project (estimated cost is \$492,000) (Jeff Koffron). **(Council Priority)** CIP/DID #PUR0224-218
 - a. Resolution adopting plans, specifications, form of contract and estimated cost for the ADA Compliance at McGrath Amphitheater 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 the minutes.
7. Resolution approving Neighborhood Work Plans for eleven Neighborhood Associations for Fiscal Year 2025. **(Council Priority)** CIP/DID #OB690117
8. Resolution of support authorizing sponsorship of a Business Financial Assistance Application from Danisco US Inc. to the Iowa Economic Development Authority's High-Quality Jobs Program for a plant expansion at 1000 41st Avenue Drive SW. **(Council Priority)** CIP/DID #HQJP-0004-2021

9. Resolution of support authorizing sponsorship of a Business Financial Assistance Application from Heavyside LLC to the Iowa Economic Development Authority's High-Quality Jobs Program for the construction of one or more data centers along 76th Avenue SW and Edgewood Road SW in the Big Cedar Industrial Center. **(Council Priority)** CIP/DID #HQJP-0006-2024
10. Resolution authorizing a Letter of Agreement with the American Federation of State, County, Municipal Employees Local 620 for wage increases in fiscal years 2025 and 2026. CIP/DID #HR0102
11. Resolution authorizing the Executive Director of the Cedar Rapids Civil Rights Commission to attend the National League of Cities Conference in Washington, DC in March 2024 for an estimated amount of \$3,700. **(Council Priority)** CIP/DID #CVR-2024-03SMBTR
12. Resolution authorizing a Fire Department employee to attend Administrator Training ESO in Austin, TX in April 2024 in the amount of \$3,549. CIP/DID #FIR0224-1234
13. Resolution authorizing the Police Chief to attend the Benchmark Cities Summit and International Association of Chiefs of Police Division Midyear Conferences in San Antonio, TX in March 2024 for an amount not to exceed \$3,500. CIP/DID #PD0071
14. Resolution authorizing a Police Lieutenant to attend the Benchmark Cities Summit and International Association of Chiefs of Police Division Midyear Conferences in San Antonio, TX in March 2024 for an amount not to exceed \$3,500. CIP/DID #PD0072
15. Resolution authorizing a Police Officer to attend Crash Investigations 2 Training in Naperville, IL in March 2024 for an amount not to exceed \$4,500. CIP/DID #PD0065
16. Motions setting public hearing dates for:
 - a. March 26, 2024 (Special Session) – to consider the proposed property tax amount and property tax levy for fiscal year 2025. CIP/DID #FIN2024-11
 - b. March 26, 2024 – to consider amendments to the Section 8 Housing Choice Voucher Program Public Housing Agency Annual Plan and Administrative Plan. **(Council Priority)** CIP/DID #OB363680
 - c. March 26, 2024 – to consider a change of zone for property at 1630 1st Avenue NE from T-MC, Traditional-Mixed Use Center District, to U-NG, Urban-Neighborhood General District, as requested by BCMT, LLC. **(Council Priority)** CIP/DID #RZNE-000184-2024
 - d. May 14, 2024 – to consider submittal of the FY25 Consolidated Transit Funding Application to the Iowa Department of Transportation for federal and state transit funding assistance. CIP/DID #TRN2024-03
17. 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. March 26, 2024 – 4th Street SE from 1st Avenue E to 5th Avenue SE East Central Quiet Zone Improvements project (estimated cost is \$510,000). **(Council Priority)** CIP/DID #306299-04
 - b. March 26, 2024 – 2024 On Call Concrete Repairs project (estimated cost is \$125,000). CIP/DID #PUR1123-141
 - c. March 26, 2024 – Replace North Elevator in City Hall project (estimated cost is \$265,000). CIP/DID #PUR0224-198

18. Motion approving the beer/liquor/wine applications of: CIP/DID #OB1145716
 - a. Casey's General Store #2765, 5050 Northland Avenue NE.
 - b. Casey's General Store #2768, 1201 1st Avenue SE.
 - c. Casey's General Store #2776, 701 Ellis Boulevard NW.
 - d. Casey's General Store #2782, 1495 Blairs Ferry Road NE.
 - e. Casey's General Store #2790, 588 Boyson Road NE.
 - f. Cedar Rapids Kernels, 950 Rockford Road SW.
 - g. Cultivate Hope Corner Store, 604 Ellis Boulevard NW.
 - h. Dancers Ranch, 3000 6th Street SW.
 - i. Dollar General #21527, 6905 C Avenue NE.
 - j. Emil's Hideaway, 222 Glenbrook Drive SE.
 - k. Fat Wally's, 429 2nd Avenue SE.
 - l. HuHot Mongolian Grill, 4444 1st Avenue NE, Suite 560.
 - m. Hy-Vee Fast and Fresh #7, 3935 Blairs Ferry Road NE.
 - n. Kum & Go #517, 3132 1st Avenue NE.
 - o. Lucita's Diner, 1100 1st Street SW.
 - p. Mt Vernon Discount Market LLC, 3102 Mount Vernon Road SE.
 - q. Parlor City Pub & Eatery, 1125 3rd Street SE.
 - r. The Red Frog, 88 16th Avenue SW.
 - s. Shack Tavern, 2545 Old River Road SW (new – formerly Mac's Shack).
 - t. Tic Toc, 600 17th Street NE.
19. Resolutions approving:
 - a. Payment of bills. CIP/DID #FIN2024-01
 - b. Payroll. CIP/DID #FIN2024-02
20. Resolutions approving assessment actions:
 - a. Intent to assess – Solid Waste and Recycling – cleanup costs – nine properties. **(Council Priority)** CIP/DID #SWM-005-24
 - b. Levy assessment – Solid Waste and Recycling – cleanup costs – nine properties. **(Council Priority)** CIP/DID #SWM-002-24
 - c. Intent to assess – Water Division – delinquent municipal utility bills – 40 properties. CIP/DID #WTR031224-01
21. Resolutions accepting subdivision improvements and approving Maintenance Bonds:
 - a. Sanitary sewer in Big Ben Addition Phase 1 and 4-year Maintenance Bond submitted by Dave Schmitt Construction Co., Inc. in the amount of \$79,445. CIP/DID #FLPT-032088-2021
 - b. Storm sewer in Big Ben Addition Phase 1 and 4-year Maintenance Bond submitted by Dave Schmitt Construction Co., Inc. in the amount of \$248,979. CIP/DID #FLPT-032088-2021
22. Resolutions accepting projects, approving Performance Bonds and authorizing final payments:
 - a. 2023 Fair Oaks Addition Pavement Reconstruction project, Change Order No. 9 deducting the amount of \$95,950.48, final payment in the amount of \$90,344.64 and 4-year Performance Bond submitted by Eastern Iowa Excavating & Concrete, LLC (original contract amount was \$1,832,924.95; final contract amount is \$1,806,892.70). **(Paving for Progress)** CIP/DID #3012285-02

- b. 2023 Pavement Milling and Curb Repair project, Change Order No. 7 deducting the amount of \$504,337.31, final payment in the amount of \$124,962 and 4-year Performance Bond submitted by Midwest Concrete, Inc. (original contract amount was \$2,653,297.30; final contract amount is \$2,499,240.01). **(Paving for Progress)** CIP/DID #301998-12
 - c. FY 2023 ADA Pedestrian and Transit Stop Improvements project, Change Order No. 4 deducting the amount of \$41,738.79, final payment in the amount of \$17,004.41 and 4-year Performance Bond submitted by Midwest Concrete, Inc. (original contract amount was \$313,895.85; final contract amount is \$340,088.28). **(Council Priority)** CIP/DID #306995-02
 - d. Glass Road NE Frontage Road project, final payment in the amount of \$7,740.94 and 4-year Performance Bond submitted by Rathje Construction Co. (original contract amount was \$153,823.82; final contract amount is \$154,818.82). CIP/DID #301949-02
23. Resolutions approving final plats:
- a. Altorfer First Addition for land north of Wright Brothers Boulevard SW and west of 6th Street SW. **(Council Priority)** CIP/DID #FLPT-034123-2023
 - b. Blake's First Addition for land south of E Avenue NW and west of 4th Street NW. **(Council Priority)** CIP/DID #FLPT-034678-2023
 - c. Rick Stickle's Addition for land north of Wilson Avenue SW and west of Wiley Boulevard SW. **(Council Priority)** CIP/DID #FLPT-034690-2023
 - d. Van Buren Heights Fifteenth Addition for land south of Wilson Avenue SW and east of Edgewood Road SW. CIP/DID #FLPT-000207-2024
24. Resolutions approving actions regarding purchases, contracts and agreements:
- a. Grant application to the U.S. Department of Transportation in the amount of \$60,900,000 for the Arc of Justice Bridge Replacement over the Cedar River Flood Control System project. **(Council Priority)** CIP/DID #3318400-00
 - b. Development Agreement and related documents with Abode Construction, Inc. for an amount not to exceed \$1,975,856 for property in Foxtail Ridge 1st Addition in connection with the Community Development Block Grant – Disaster Recovery Single-Family New Construction (ROOTs) Program. **(Council Priority)** CIP/DID #CDBG-DR-FY22
 - c. Development Agreement and related documents with Abode Construction, Inc. for an amount not to exceed \$1,728,874 for property in Kirkwood Village 2nd Addition in connection with the Community Development Block Grant – Disaster Recovery Single-Family New Construction (ROOTs) Program. **(Council Priority)** CIP/DID #CDBG-DR-FY22
 - d. Payment in the amount of \$77,000 to Newbo Lofts, LLC as reimbursement for the water main extension along 4th Street SE. **(Council Priority)** CIP/DID #ASDP-032909-2022
 - e. Fleet Services Division purchase of 20 2024 Ford Police Interceptor utility vehicles from Stivers Ford for the Police Department in the amount of \$891,590. CIP/DID #FLT148
 - f. Amending Resolution No. 0480-03-23, which authorized the purchase of vehicles and equipment for the Fleet Services Division from dealership lots for an amount not to exceed \$300,000 per item, to extend the authorization period through March 26, 2025. CIP/DID #FLT099
 - g. Amendment No. 6 to renew the contract with Myers-Cox Co. for food concession products for the Parks and Recreation Department for three years for an amount not to exceed \$360,000 (original contract amount was \$300,000; renewal contract amount is \$360,000). CIP/DID #PUR0121-183FOOD
 - h. Fleet Services Division purchase of three dump trucks equipped for winter operations for the Streets Division from Henderson Products Inc. in the amount of \$944,097. CIP/DID #FLT147

- i. Amendment No. 3 to the contract with Crawford Quarry Company, Inc. for storage of lime sludge to add work for an amount not to exceed \$35,000 (original contract amount was \$200,000; total contract amount with this amendment is \$235,000). CIP/DID #PUR1021-116
- j. Amendment No. 8 to the contract with USIC Locating Services, Inc. for fiber locating and marking services for the Information Technology Department to add services in the amount of \$30,000 (original contract amount was \$170,000; total contract amount with this amendment is \$200,000). CIP/DID #PUR1117-079
- k. Contract with Altorfer, Inc. for Citywide generator maintenance and repair services for six years for a total amount not to exceed \$731,760. CIP/DID #PUR0224-209
- l. Amendment No. 5 to the contract with Terracon Consultants, Inc. for Phase I environmental site assessments for the Community Development Department to add work in the amount of \$5,950 (original contract amount was \$18,650; total contract amount with this amendment is \$72,050). CIP/DID #PUR0523-288
- m. Purchase of two heavy-duty buses from Gillig LLC in the amount of \$1,231,884. CIP/DID #TRN2024-02
- n. Amending Resolution No. 1535-10-23, which authorized the Information Technology Department to purchase OnBase software technical and professional services from Integrated Data Products, to add work for an amount not to exceed \$5,000 (original contract amount was \$20,000; total contract amount with this amendment is \$25,000). CIP/DID #IT2023-017
- o. Amendment No. 1 to renew the contract with Pepsi Beverages Company for beverage concession products for the Parks and Recreation Department for three years for an amount not to exceed \$210,000 (original contract amount was \$300,000; renewal contract amount is \$210,000). CIP/DID #PUR0121-183BEV
- p. Amendment No. 4 to renew the contract with Universal Field Services, Inc. for right of way acquisition support services for the Public Works Department for two years for a total amount not to exceed \$150,000 (original contract amount was \$150,000; renewal contract amount is \$150,000). CIP/DID #PUR0120-157
- q. Amendment No. 4 to renew the contract with Level 10 Apparel for as-needed purchases of T-shirts by various City departments for an annual amount not to exceed \$60,000 (original contract amount was \$45,000; renewal contract amount is \$60,000). CIP/DID #PUR0221-217
- r. Amendment No. 4 in the amount of \$55,550 with Ride Systems for a GPS system for bus tracking for the Transit Division (original contract amount for this renewal period was \$63,600; total renewal amount with this amendment is \$119,150). CIP/DID #0614-210
- s. Information Technology Department purchase of PeopleSoft Human Capital Management software maintenance and support from Mythics in the amount of \$96,018.45. CIP/DID #IT2024-003
- t. Fleet Services Division purchase of four recycling trucks for the Solid Waste Division from Kilburg Equipment LLC in the amount of \$1,611,436.80. CIP/DID #FLT146
- u. Contract with Price Industrial Electric, Inc. for Joint Communications Network emergency maintenance services for the Information Technology Department through June 30, 2024 for an amount not to exceed \$200,000. CIP/DID #IT2024-004
- v. Fleet Services Division purchase of two hybrid sedans for the Building Services Division from Cedar Rapids Toyota Inc. in the amount of \$50,528. CIP/DID #FLT149
- w. Streets Division purchase of American steel baskets from Logan Contractor Supply in the amount of \$70,560. CIP/DID #PUR0124-189

- x. Amendment No. 2 to the Professional Services Agreement with HDR Engineering, Inc. for an amount not to exceed \$95,809 for engineering services in connection with the Downtown River Wall Improvements – Phase II: Repairs and Monitoring project (original contract amount was \$223,233; total contract amount with this amendment is \$319,042). **(Council Priority)** CIP/DID #322503-02
- y. Amendment No. 3 to the Professional Services Agreement with HDR Engineering, Inc. for an amount not to exceed \$23,450 for the WPC CAS Wet Well Pumping Improvements project (original contract amount was \$250,000; total contract amount with this amendment is \$323,450). CIP/DID #6150049-01
- z. Professional Services Agreement with Snyder & Associates, Inc. for an amount not to exceed \$318,700 for design services in connection with the 12th Avenue SW Storm Sewer Improvements project. CIP/DID #304556-01
- aa. Change Order No. 15 in the amount of \$1,934.50 with Boomerang Corp. for the 1st Street NW/SW Flood Control System from E Avenue NW to 2nd Avenue SW project (original contract amount was \$8,852,304; total contract amount with this amendment is \$9,672,945.58). **(Council Priority)** CIP/DID #3312510-30
- ab. Change Order Nos. 17 and 18 for a total amount of \$183,135.31 with Boomerang Corp. for the Ellis Boulevard and 6th Street NW Connector project (original contract amount was \$6,357,840.10; total contract amount with these amendments is \$7,101,480.78). **(Paving for Progress)** CIP/DID #301963-03
- ac. Change Order No. 5 in the amount of \$19,270 with Boomerang Corp. for the Middle McCloud Run Advanced Grading project (original contract amount was \$2,646,566.50; total contract amount with this amendment is \$3,254,607.66). **(Council Priority)** CIP/DID #3314551-01
- ad. Change Order No. 9 in the amount of \$2,068.02 with Garling Construction, Inc. for the Colonial Building Renovation project (original contract amount was \$5,124,000; total contract amount with this amendment is \$5,639,047.73). CIP/DID #PUR1222-125
- ae. Change Order No. 3 deducting the amount of \$14,600.17 with L.L. Pelling Co. for the East Post Road SE from North of Bever Avenue to South of Indian Creek Bridge project (original contract amount was \$619,886.05; total contract amount with this amendment is \$664,659.70). **(Paving for Progress)** CIP/DID #3012404-02
- af. Change Order No. 2 in the amount of \$800 with Minturn, Inc. for the Repair of City Hall East Stairs project (original contract amount was \$324,000; total contract amount with this amendment is \$385,656.76). CIP/DID #PUR0823-050
- ag. Change Order No. 12 in the amount of \$34,617.66 with Peak Construction Group Inc. for the ADA Compliance – Cedar Rapids Transit, Ground Transportation Center, and Animal Care & Control project (original contract amount was \$521,800; total contract amount with this amendment is \$861,546.40). CIP/DID #PUR0121-176
- ah. Change Order No. 8 in the amount of \$5,201.78 with Pirc-Tobin Construction, Inc. for the Cedar River Trail SE Reconstruction, CRANDIC Railroad to 16th Avenue project (original contract amount was \$655,010.05; total contract amount with this amendment is \$804,300.06). **(Council Priority)** CIP/DID #3316510-72
- ai. Change Order No. 7 in the amount of \$1,650 with Pirc-Tobin Construction, Inc. for the Mount Vernon Road SE from 14th Street to 20th Street Pavement Improvements project (original contract amount was \$7,877,664.14; total contract amount with this amendment is \$8,078,813.34). **(Paving for Progress)** CIP/DID #3012149-05
- aj. Change Order No. 19 in the amount of \$1,000 with Rathje Construction Co. for the 1st Avenue E and 1st Street NE Temporary Traffic Signal and Pavement Improvements project (original contract amount was \$500,925.14; total contract amount with this amendment is \$699,874.16). **(Council Priority)** CIP/DID #3315510-67

- ak. Change Order No. 8 in the amount of \$2,864.76 with Rathje Construction Co. for the 1st Avenue W from 18th Street to 10th Street Pavement Rehabilitation and Traffic Signal Improvements project (original contract amount was \$3,795,065.14; total contract amount with this amendment is \$4,242,507.47). CIP/DID #3018002-02
- al. Change Order No. 23 in the amount of \$2,803.11 with Rathje Construction Co. for the Cherokee Trail (Phase 2B) from Cherry Hill Park to Sharon Lane, Along Gordon Avenue through Cherokee Park to Midway Drive NW project (original contract amount was \$3,910,292.97; total contract amount with this amendment is \$4,638,606.92). **(Council Priority)** CIP/DID #325069-07
- am. Change Order No. 8 in the amount of \$3,150.98 with Rathje Construction Co. for the Ingleside Drive SW Reconstruction project (original contract amount was \$2,247,894.79; total contract amount with this amendment is \$2,419,478.05). **(Paving for Progress)** CIP/DID #3012344-03
- an. Change Order No. 4 in the amount of \$3,031.20 with Rathje Construction Co. for the Tower Terrace Road: Phase B Grading project (original contract amount was \$1,043,013.60; total contract amount with this amendment is \$1,100,854.10). CIP/DID #301666-05
- ao. Change Order No. 8 in the amount of \$6,937.70 with Rathje Construction Co. for the Wiley Boulevard Trail Improvements from Williams Boulevard to 16th Avenue SW project (original contract amount was \$1,487,704.68; total contract amount with this amendment is \$1,599,346.94). **(Council Priority)** CIP/DID #325052-02
- ap. Change Order No. 7 deducting the amount of \$500 with Septagon Construction Co. for the Ellis Golf Course Clubhouse project, and authorizing partial final payment in the amount of \$92,482.98 (original contract amount was \$2,567,741; total contract amount with this amendment is \$2,710,779.59). **(Derecho)** CIP/DID #PUR0521-286
- aq. Change Order No. 2 in the amount of \$67,806.89 with WRH, Inc. for the J Avenue WTP Dehumidification Improvements project (original contract amount was \$2,634,000; total contract amount with this amendment is \$2,701,806.89). CIP/DID #6250090-02
- ar. Agreement in the amount of \$8,000 and accepting a Temporary Grading Easement for Construction from Jamey Schropp for land at 1735 3rd Street SE in connection with the 16th Avenue SE from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin project. **(Council Priority)** CIP/DID #3018023-00
- as. Agreements for Temporary Construction Easement with the owners of 12 properties for a total amount of \$15,179 in connection with the 42nd Street NE Improvements – Phase 1 from River Ridge Drive to Pine View Drive project. **(Paving for Progress)** CIP/DID #3012188-00
- at. Purchase Agreement in the amount of \$2,050 and accepting a Temporary Construction Easement from St. Andrews Office, LLC for land at the intersection of St. Andrews Court NE and Blairs Ferry Road in connection with the Blairs Ferry Road NE from North Towne Place NE to Sammi Drive NE Sidewalk Infill project. **(Council Priority)** CIP/DID #301878-00
- au. Purchase Agreement in the amount of \$1,500 and accepting a Temporary Grading Easement for Construction from Venture Real Estate, LLC for land at 833 Shaver Road NE in connection with the Cedar Lake Amenities project. **(Council Priority)** CIP/DID #327003-00
- av. Purchase Agreement and accepting a Warranty Deed from James Carnahan for the donation of land adjacent to 4455 Woodview Drive NE in connection with the Edgewood Road Trail, from Glass Road NE to approximately 305' south of Blairs Ferry Road NE project. **(Council Priority)** CIP/DID #325073-00

- aw. Granting a Temporary Staging Easement on City-owned property at 1917 Mount Vernon Road SE in the amount of \$1 as requested by Pirc-Tobin Construction, Inc. in connection with the Mount Vernon Road SE from 14th Street to Memorial Drive SE Rehabilitation project. **(Paving for Progress)** CIP/DID #3012149-05
- ax. Awarding and approving contract in the amount of \$3,130,076.90, bond and insurance of Eastern Iowa Excavating & Concrete, LLC for the Bowling Street Trail project (estimated cost was \$3,760,000). **(Council Priority)** CIP/DID #325072-02

REGULAR AGENDA

- 25. Report on bids for the Crestwood Drive NW Roadway and Pedestrian Improvements project (estimated cost is \$1,710,000) (Ken DeKeyser). **(Council Priority)** CIP/DID #301946-03
 - a. Resolution awarding and approving contract in the amount of \$1,507,346.90, plus incentive up to \$10,000, bond and insurance of E & F Paving Co., LLC for the Crestwood Drive NW Roadway and Pedestrian Improvements project.
- 26. Report on bids for the 16th Avenue SE from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin Pavement and Water Main Improvements project (estimated cost is \$1,760,000) (Doug Wilson). CIP/DID #301964-02
 - a. Resolution awarding and approving contract in the amount of \$1,687,882.27, bond and insurance of Pirc-Tobin Construction Inc. for the 16th Avenue SE from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin Pavement and Water Main Improvements project.
- 27. Report on bids for the Central Fire & Fire Station #3 ADA Renovations project (estimated cost is \$565,000) (Jeff Koffron). CIP/DID #PUR1223-156
 - a. Resolution awarding and approving contract in the amount of \$407,900, bond and insurance of McComas-Lacina Construction LC for the Central Fire & Fire Station #3 ADA Renovations project.
- 28. Presentation and resolution adopting the 2023 EnvisionCR Updates (Betsy Borchardt and Adam Lindenlaub). CIP/DID #OB165740

ORDINANCES

Second and possible Third Readings

- 29. Ordinance repealing Chapter 61 of the Municipal Code, Traffic Regulations, and enacting a new Chapter 61 in its place to include new and updated definitions; regulate the use of all-terrain vehicles, off-road vehicles, golf carts and snowmobiles; add or increase parking fees; and comply with current practice and relevant law. **(Council Priority)** CIP/DID #FIN2024-10

30. Ordinance repealing Chapter 71 of the Municipal Code, Erosion and Sediment Control for Construction Sites, and enacting a new Chapter 71 in its place to include updated standards and review and enforcement processes for erosion control permits. CIP/DID #43-17-012
31. Ordinance repealing Chapter 72 of the Municipal Code, Stormwater Management, and enacting a new Chapter 72 in its place to include updated operations and adding flexibility to the design standards and stormwater utility credits. **(Council Priority)** CIP/DID #43-10-007
32. Ordinance vacating public ways and grounds of a portion of right-of-way adjacent to 60 16th Avenue SW. **(Council Priority)** CIP/DID #3018030-00
33. Ordinance granting a change of zone for property at 4400 6th Street SW from I-GI, General Industrial District, to I-LI/PUD, Light Industrial District with a Planned Unit Development Overlay, as requested by Sun Line, Inc. **(Council Priority)** CIP/DID #RZNE-000126-2024

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

Anyone who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in a City Council public meeting or event should contact the City Clerk's Office at 319-286-5060 or cityclerk@cedar-rapids.org as soon as possible but no later than 48 hours before the event.

Agendas and minutes for Cedar Rapids City Council meetings can be viewed at www.cedar-rapids.org.



Council Agenda Item Cover Sheet

Submitting Department: Community Development

Director Contact: Jennifer Pratt – j.pratt@cedar-rapids.org – (319) 538-2552

Presenter at Meeting: Haley Sevensing

Description of Agenda Item: PUBLIC HEARINGS

A public hearing will be held to consider an ordinance amending Chapter 32 of the Municipal Code (Zoning) to amend zone districts, use specific standards, development standards, review and approval procedures, nonconformities, and definitions (Haley Sevensing). **(Council Priority)**

CIP/DID #CD-0048-2018

- a. First Reading: Ordinance amending Chapter 32 of the Municipal Code (Zoning), to amend zone districts, use specific standards, development standards, review and approval procedures, nonconformities, and definitions.

Council Priority: Strengthen and Stabilize Neighborhoods
EnvisionCR Goal: StrengthenCR Goal 2: Improve the quality and identity of neighborhoods and key corridors.

Background: This public hearing considers amendments to Chapter 32, the City's Zoning Ordinance.

The ordinance includes:

- Cleanup and clarification of the Zoning Code related to zone districts, supplemental provisions, development standards, review and approval procedures, nonconformities, and definitions.
- Updates to the Zoning Code related to accessory dwelling units, bicycle parking, fences, parking lot screening, mural wall signs, and nonconforming uses.

The City Planning Commission reviewed the proposed amendments on February 1, 2024, and unanimously recommended approval.

Recommended Action: City staff recommends holding the public hearing and approval of the first reading of the ordinance.

Alternative: City Council may table and request additional information.

Time Sensitivity: Not applicable

Resolution Date: Not applicable

Budget Information: Not applicable

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation: An update regarding the proposed amendments was provided to the Development Committee at their February 28, 2024, meeting.

ORDINANCE NO. LEG_NUM_TAG

AN ORDINANCE AMENDING CHAPTER 32 OF THE MUNICIPAL CODE,
ZONING, TO UPDATE ZONE DISTRICTS, USE-SPECIFIC STANDARDS,
DEVELOPMENT STANDARDS, REVIEW AND APPROVAL PROCEDURES,
NONCONFORMITIES AND DEFINITIONS

WHEREAS, the City adopted a new Chapter 32 to be the zoning code for the City of Cedar Rapids, with an effective date of January 1, 2019; and,

WHEREAS, as part of the implementation of Chapter 32, the City has identified several corrections and clarifications to be made to Ordinance to improve its use; and,

WHEREAS, the following proposed amendments to Chapter 32 of the City Code have been discussed with the City's Zoning Advisory Group and reviewed by the City Council Development Committee; and,

WHEREAS, on February 1, 2024, the City Planning Commission reviewed the proposed ordinance and unanimously recommended adoption;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. Table 32.02-36 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Table 32.02-36 is enacted as follows:

Table 32.02-36: Traditional Mixed Use Limited (T-ML) Comprehensive Plan Consistency		
	Minimum Density Required [1]	Maximum Density
Consistent Land Use Typology Areas:		
Urban – Low Intensity (U-LI)	2 units per acre	12 units per acre
Urban – Medium Intensity (U-MI)	4 units per acre	24 units per acre
Urban – High Intensity (U-HI)	8 units per acre	40 units per acre
Notes:		
[1] Applies only to projects with over 50% of gross square footage dedicated to residential uses.		

Section 2. Table 32.02-37 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Table 32.02-37 is enacted as follows:

Table 32.02-37 Traditional Mixed-Use Limited Dimensional Standards			
	Commercial or Mixed-Use	Civic and Institutional	Residential
Lot Requirements			
Lot Size (sf, min.)	--	--	2,400 / du
Frontage (ft., min.)	50	50	12/ du
Width at Setback (ft., min.)	50	50	
Coverage (% , max.)	80	80	80
Building Placement			
Setbacks (ft.)			
Front	15 [1]	15 [1]	15 [1]
Side, Internal [2]	3/8	3/8	3/8
Side, Street	10 [1]	10 [1]	10 [1]
Rear	10	10	10
Structure Size			
Height (ft., max.)	35	35	35
Footprint Size (sf, max.) [4]	10,000	10,000	--
Residential Development [3]			
Units per parcel, max	--	--	--
Units per structure, max [4]	10	10	10
Notes:			
[1] May be reduced to 5 feet by Minor Design Adjustment when Development Services finds that a reduction does not conflict with requirement easements, traffic safety, or other restrictions which may prevent a reduced setback.			
[2] Attached units: applicable to the exterior of the structure, not between individually attached units.			
[3] Does not include accessory dwelling units			
[4] May be increased by Major Design Exception.			

Section 3. Table 32.02-39 of the Cedar Rapids Municipal Code is hereby repealed and a new Table 32.02-39 is enacted as follows:

Table 32.02-39: Traditional Mixed-Use Center (T-MC) Comprehensive Plan Consistency		
	Minimum Density Required [1]	Maximum Density
Consistent Land Use Typology Areas:		
Urban – Low Intensity (U-LI)	2 units per acre	12 units per acre
Urban – Medium Intensity (U-MI)	4 units per acre	24 units per acre
Urban – High Intensity (U-HI)	8 units per acre	40 units per acre
Notes:		
[1] Applies only to projects with over 50% of gross square footage dedicated to residential uses.		

Section 4. Table 32.02-40 of the Cedar Rapids Municipal Code is hereby repealed and a new Table 32.02-40 is enacted as follows:

Table 32.02-40: Traditional Mixed-Use Center (T-MC) Dimensional Standards			
	Commercial or Mixed-Use	Civic and Institutional	Residential
Lot Requirements			
Lot Size (sf, min.)	--	--	2,400 / du
Frontage (ft., min.)	--	--	12/ du
Width at Setback (ft., min.)	--	--	--
Coverage (% , max.)	80	80	80
Building Placement			
Setbacks (ft.)			
Front <u>[1]</u>	15	15	15
Side, Internal [2]	3/8	3/8	3/8
Side, Street <u>[1]</u>	10	10	10
Rear	10	10	10
Structure Size			
Height (ft., max.)	35	35	35
Footprint Size (sf, max.) [4]	10,000	10,000	--
Residential Development [3]			
Units per parcel, max	--	--	--
Units per structure, max [4]	10	10	10
Notes:			
[1] May be reduced to 5 feet by Minor Design Adjustment when Development Services finds that a reduction does not conflict with requirement easements, traffic safety, or other restrictions which may prevent a reduced setback. [2] Attached units: applicable to the exterior of the structure, not between individually attached units. [3] Does not include Accessory Dwelling Units [4] May be increased by Major Design Exception.			

Section 5. Section 32.03.04.C.1 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.03.04.C.1 is enacted as follows:

1. Accessory Dwelling Unit (ADU)

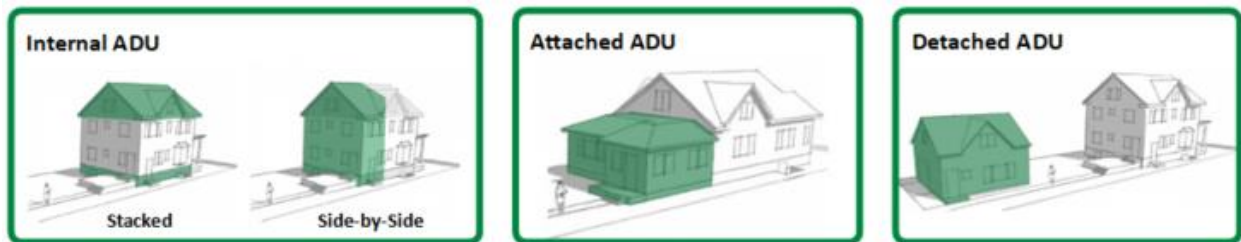
A residential dwelling unit that provides complete independent living facilities on the same parcel as a proposed or existing single unit dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation, which are accessory and subordinate to the single unit dwelling. Accessory dwelling units may be classified as one of the following:

Internal - A dwelling unit that is located wholly within the primary structure without expansion of the footprint. Includes stacked (e.g., basement or attic units) or side-by-side internal ADUs.

Attached - A dwelling unit that is considered part of the primary structure but results in an expansion of the primary structure's footprint.

Detached - A dwelling unit that is separate from the primary structure (e.g., garage apartment or a standalone structure).

Figure 32.03.04-A: Accessory Dwelling Unit Classifications



An accessory dwelling unit shall comply with the following Use-Specific Standards:

- a. Accessory dwelling units are only permitted on lots with single unit detached or single unit attached dwellings and must be built on the same lot as the primary structure.
- b. Unless specifically addressed in this section, accessory dwelling units shall be subject to the regulations for a structure on the underlying zone district with regard to lot and bulk standards (e.g., height, setback/yard requirements, building coverage).
- c. Mobile homes, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.
- d. The maximum gross floor area of an accessory dwelling unit may be no more than the footprint of the primary structure or 1,000 square feet, whichever is less.
 - (i) Where the existing primary structure has a footprint greater than 1,000 square feet, a Minor Design Adjustment may be considered to increase the gross floor area of a stacked internal accessory dwelling unit up to the footprint of the primary structure.
 - (ii) Where the existing primary structure has a footprint less than 1,000 square feet, a Major Design Exception may be considered to increase the gross floor area of an accessory dwelling unit up to 1,000 square feet.

- (iii) For purposes of this section, footprint includes attached garages and covered porches or covered decks.
 - (iv) For purposes of this section, gross floor area excludes attached garages, exterior-only accessed storage areas, and uncovered porches or uncovered decks.
- e. For attached or internal accessory dwelling units, only one entrance to the structure may be located on each street-facing façade. A Minor Design Adjustment may be granted to waive this requirement if:
 - (i) Multiple entrances existed on a street-facing façade prior to April 1, 2024; or,
 - (ii) The City determines that topography, screening, or another design solution is effective in deemphasizing the presence of an additional entrance to maintain the structures character as a single-family home.
- f. An existing primary or accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an accessory dwelling unit but the structure may not be altered in any manner that would increase the degree of non-compliance.
- g. One detached and one attached or internal accessory dwelling unit is permitted per lot.
- h. Home occupations may be permitted in an accessory dwelling unit.
- i. One parking space is required for each accessory dwelling unit.
- j. Accessory dwelling units shall not be considered a unit of density and therefore are not included in the density calculation for a residential property.

Section 6. Section 32.03.06.D.6 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.03.06.D.6 is enacted as follows:

6. Surfacing

Storage areas shall be surfaced as follows:

- a. Storage of goods and materials shall be conducted only on a paved surface or an approved all-weather surface that is maintained in a dust-free condition.
 - (i) Gravel, asphalt millings, or other surfaces may be used, as long as the surface is maintained in a dust-free condition, with industrial uses for material laydown areas used by heavy equipment and machinery, or outdoor storage.
 - (ii) These surfaces shall not be converted to vehicle parking unless resurfaced in accordance with Section 32.04.02.L.
- b. The storage of vehicles, trailers, and equipment, which is normally intended to be mobile, whether self-propelled or towed, shall be conducted only on a surface that is provided in accordance with the requirements for parking areas.

Section 7. A new Section 32.04.02.K.1.d of the Cedar Rapids Municipal Code is enacted as follows:

- d. Where right of way trees are proposed to be removed or likely to be damaged by new or expanded access, tree preservation according to Section 32.04.06 shall be provided. The City may deny or modify any application for new or expanded site access where the proposed access would require removal of right of way trees and the denial or modification does not prevent the applicant from constructing an otherwise permitted access in a location that meets applicable design standards, including SUDAS.

Section 8. Section 32.04.02.L.3 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.04.02.L.3 is enacted as follows:

3. Surface Materials

- a. All surface parking areas shall be hard surfaced and maintained to provide a durable pavement surface free of dust, weeds, and standing water.
- b. Permitted hard-surface materials include:
 - (i) Permeable or porous surfaces, as approved by the zoning administrator
 - (ii) Portland concrete
 - (iii) Hot mix asphalt
 - (iv) A comparable surface, as approved by the zoning administrator.
- c. The following materials are prohibited:
 - (i) Sealcoat
 - (ii) Gravel or asphalt millings, and
 - (iii) Dirt or grass.
- d. The City may approve the use of prohibited materials for access to agricultural land or utility infrastructure, or along railroad corridors.
- e. Permeable or porous surfaces designed to help mitigate stormwater runoff are encouraged for surface parking areas.

Section 9. Table 32.04.02-13 of the Cedar Rapids Municipal Code is hereby repealed and a new Table 32.04.02-13 is enacted as follows:

Table 32.04.02-13: Bicycle Parking Standards		
Land Use	Minimum Number of Parking Spaces Required	
	Short-Term (as defined in Sec 32.04.02.P.4.a)	Long Term (as defined in Sec 32.04.02.P.4.b)
Household Residential Living	1 per 10 units	1 per 2 units
Group Living Residential	1 per 20 bedrooms	1 per 4 bedrooms
Office	1 per 4,000 SF GFA	1 per 12,000 SF GFA
Commercial Uses Sales and Service (retail, bars, etc.)	1 per 2,000 SF GFA	1 per 12,000 SF GFA
Community Use (non-utility)	1 per 6,000 SF GFA	1 per each 10 employees
Schools	1 per 2 classrooms	1 per 4 classrooms
Assembly, Entertainment & Spectator	1 per 50 seats	1 per each 20 employees
All Other Uses	2 Short-Term Bicycle Parking Spaces shall be provided for all other uses where either: • A new primary structure over 10,000 SF is constructed; or • An existing primary structure is expanded by the greater of 25% of its floor area or 10,000 SF. In all other situations, bicycle parking is encouraged to be provided.	

Section 10. Section 32.04.05.A.6.k of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.04.05.A.6.k is enacted as follows:

k. Fence or Wall

(i) Applicability

The following standards apply to fences, walls, and dense shrubs in all districts except as follows:

- (A) Street and Garden Walls, when permitted or required in Urban Form Districts, shall comply with the applicable standards in Section 32.04.05.B.6.i
- (B) The standards of this section 32.04.05.A.6.k may be exceeded or modified where fences, walls, or other screening is required by:
 - (1) Section 32.04.06 - Landscaping, Buffering, and Screening.
 - (2) Any use-specific standard in Section 32.03, which requires screening, walls, or fencing.
 - (3) Any other code section which requires fencing, screening, or transition standards in excess of the standards of this section.

- (4) Fences or screening in excess of what is permitted by this section may be approved by the Board of Adjustment as part of a Rezoning or Conditional Use if it is found necessary to mitigate or screen potentially incompatible uses or situations.

(ii) Permit Required

A Zoning Clearance Permit shall be required to erect, move, or fully reconstruct any permanent fence, wall, or combination thereof, or to add gates or other means of ingress or egress to an existing fence. A permit shall not be required to maintain existing and previously permitted fences, including replacing destroyed, worn, rotted, or otherwise damaged components or materials where they are replaced with the same or similar materials and the dimensions of the fence remain the same.

(iii) Design Requirements & Restrictions

(A) Fence design shall not hinder required egress as determined by the adopted Building and Fire Codes.

(B) Height Limitations

- (1) Height shall be measured from the side (inside or outside) of the fence, wall, or street wall with the lower finished grade to the topmost point of the fence, wall, or street wall. The following exceptions may be applied:

- a. Decorative ornamentation or extensions up to 12 inches in height, provided at an interval of not more than once every 8 feet.
- b. Between fence posts, variation in fence height shall be allowed up to 10% to account for undulating, sloping, or otherwise uneven terrain.

- (2) Height limits shall be determined according to Table 32.04.05-2 unless otherwise stated below.

a. Reverse Corner Lot

When a driveway is present in the rear adjoining lot's front yard, the maximum height within the rear 10 feet of the side setback area of the reversed corner lot shall be 4 feet. Alternatively, the maximum height within the rear 10 feet of the side setback area can be increased to 7 feet if the fence is angled 45 degrees toward the rear property line. The angle shall start at the point within the side setback area, 10 feet from the rear property line.

- (3) Through a Minor Design Adjustment, the City may waive any 4-foot height limitation provided the following requirements are met:

- a. The fence or wall does not exceed 7 feet in height;
- b. The fence or wall is consistent with neighborhood character;
- c. The fence or wall does not inhibit sight distance or visual clearance area requirements; and

- d. The lot includes unique or unusual characteristics that preclude the erection of a fence for a private enclosed yard in conformance with the height limitations contained in Section 32.04.05.A.6.k.(iii)(B).

(C) Temporary Fences

- (1) A temporary fence is any fence which is constructed in a manner that is not permanent. Temporary fences shall include both fences intended to be installed in a temporary manner as well as fences constructed in a manner defined by this section. Temporary fences shall include the following:
 - a. Any moveable fence or fence not permanently secured to the ground or structure such as event fencing and construction fencing.
 - b. Any fence where the fence is not securely fastened to fence posts in a permanent manner.
 - c. Any fence constructed of materials which render it unable to be installed permanently.
 - d. Snow Fences or any other fence constructed with pins, t-posts, or similar posts.
- (2) A temporary fence erected for less than 60 days shall not require a permit but, in all instances, shall conform to building and fire code requirements. A temporary fence with a Zoning Clearance Permit may be erected for up to 1 year. Issuance of a permit shall be at the discretion of the City, who shall consider the necessity of the requested fence and the length of time the fence is necessary. Renewals shall be at the discretion of the City. This provision shall not be used to permit the construction or continued existence of a permanent fence that does not meet the material requirements of this code. Temporary fences meeting the below requirements shall not require a Zoning Clearance Permit:
 - a. Any fence associated with and removed within 48 hours of any permitted Temporary Use or Special Event.
 - b. Fences associated with permitted construction activities.
 - c. Temporary fencing required by Law Enforcement or any other government entity.
 - d. Seasonal fencing around gardens or urban agriculture plots and not more than 4 feet in height.
 - e. Seasonal snow fencing erected between November 1 and April 15.
 - f. Seasonal fencing required for swimming pools or other temporary uses, where required.
 - g. Temporary fences erected in emergency situations where an existing fence is damaged or destroyed and a permit for permanent repair or replacement is promptly obtained.

(D) Prohibited Materials

- (1) Materials which are sharp or otherwise hazardous are prohibited along the public right of way or any property line except for Barbed Wire fences conforming to the requirements of 32.04.05.A.6.k(iii)(F).
- (2) Materials not intended for or properly treated for installation outdoors. The City may order the removal of rotting or rusting fences.
- (3) Chain link fences shall not be permitted along street frontages of non-residential uses in Urban or Traditional zone districts. This shall include fences located within 15 feet of and parallel to a street.
- (4) Chain link fences with slats or mesh screens shall not be permitted in situations where a solid screen is required.

(E) Electrical Fences

The use of an electrical fence is prohibited in all zoning districts except as permitted below:

- (1) An electrical fence may be erected in an agricultural district.
- (2) Electrical fences may be permitted if used in conjunction with a permitted temporary or permitted animal grazing or confinement activity, whether such activity is permitted by this chapter or another chapter of the Municipal Code.
- (3) Where permitted, electrical fences shall provide posted notice, at regular intervals, to warn the public of any potential dangers should they come in contact with the fence. Such notice shall indicate the amount of current being carried by said fence.

(F) Barbed Wire

For the purposes of this section barbed wire shall include razor wire or other similar forms of fencing. The use of a barbed wire for any fence is prohibited except as follows:

- (1) A fence in an Industrial District may be topped with barbed wire provided that no barbed wire shall be maintained below a height of seven feet, nor shall any barbed wire be permitted to project over public property.
- (2) A fence in a Mixed-Use district may be topped with barbed wire provided that no barbed wire is maintained below a height of seven feet nor projected over public property, and further provided that said fence is not in the general area of public and business use access.
- (3) A fence in an Agricultural district or use may be constructed, replaced, or repaired with barbed wire except that no barbed wire shall be erected in a boundary fence adjacent to a platted residential area or lot.

(iv) Fence Required

- (A) The City may order a protective fence erected around an attractive nuisance, an unsafe excavation or structure, or a dangerous building or structure. Such fence shall be:

- (1) At least 4 feet high.

(2) Completely and consistently restrictive from the grade to the top of the fence.

(3) Without holes, horizontal openings, or indentations which are wider than two inches.

(B) Upon the failure of the owner or his agent to comply with said order of the City within seven days' time, the City may cause such protective fence to be erected, with the costs of such materials and construction to be assessed against the property.

Section 11. A new Table 32.04.05-2 of the Cedar Rapids Municipal Code is enacted, and subsequent tables of Section 32.04.05 are renumbered accordingly:

Table 32.04.05-2: Fence/Wall Height Limitations		
Setback Area	Maximum Height	Alternatives or Exceptions
Urban (U-xx) Districts		
Along street frontage	See section (32.04.05.B.6.i.) and district specific standards.	
All other Districts		
Front Yard setback area	4 feet	
Street Side setback area	4 feet	- 7 feet when located behind a primary structure on the lot. - See Section 32.04.05.A.6.k(iii)(B)(2)a if a reversed corner lot.
Interior Side setback area	- 7 feet if abutting residential uses or zone districts - 10 feet if abutting non-residential uses or districts	
Rear setback area	- 7 feet if abutting residential uses or zone districts - 10 feet if abutting non-residential uses or districts	

Section 12. A new Figure 32.04.05-I of the Cedar Rapids Municipal Code is enacted, and subsequent figures of Section 32.04.05 are renumbered accordingly:

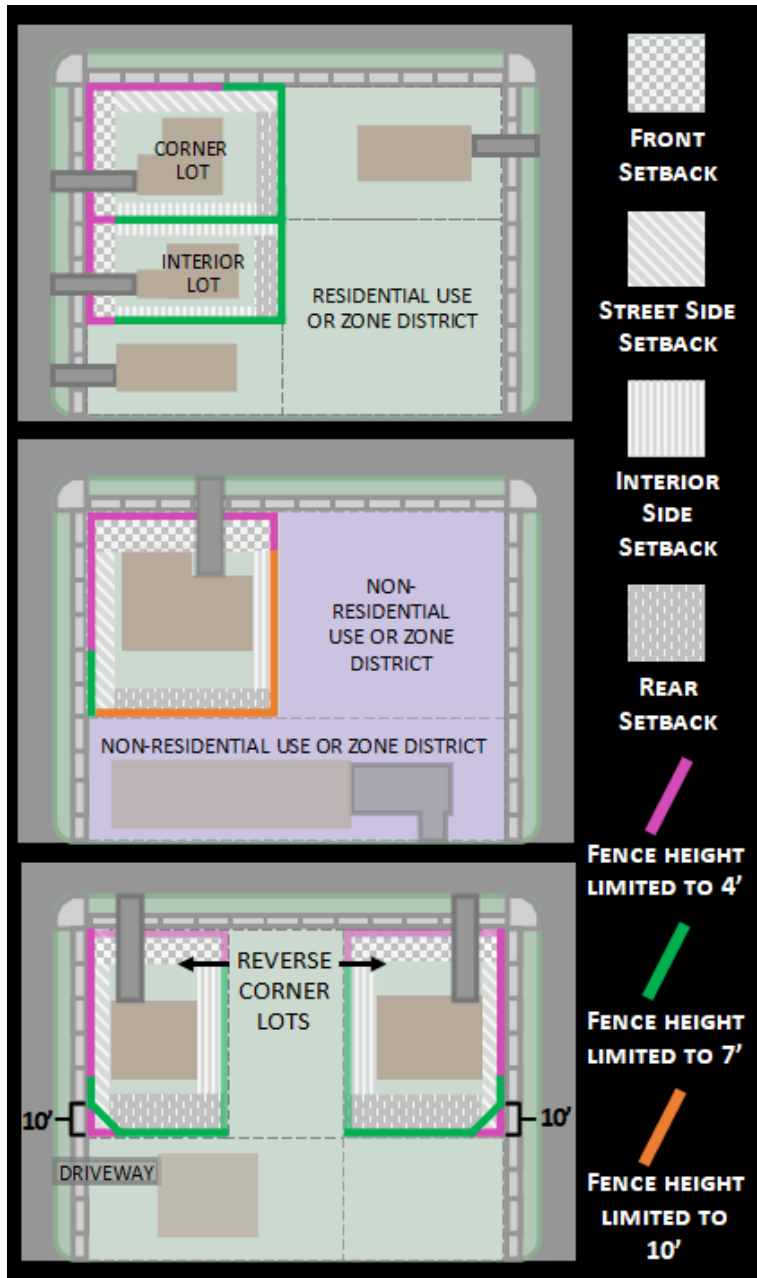


Figure 32.04.05-I: Fence Height

Section 13. The table renumbered pursuant to Section 11, above, as Table 32.04.05-12 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Table 32.04.05-12 is enacted as follows:

Table 32.04.05-12: Urban Residential (U-NR, U-VR) Dimensional Standards

	Instructions and Exceptions	U-NR	U-VR
Structure Size			
Building Height [1]			
Stories Min/Max	32.04.05.B.8	1/4	1/3
Height (ft, max)	32.04.05.B.8	48	38
Height in rear 50 ft. of lot (ft, max)		18	18
Story Height (ft)			
Ground Story	32.04.05.B.8		
Height Min/Max		14/18	14/18
Clear Height		n/a	n/a
Upper Story (ft, min)	32.04.05.B.8	9	9
Attic Story Parameters	32.04.05.B.8		
Max Roof Height (ft)		20	20
Roof Pitch Min/Max		3:12 16:12	3:12 16:12
Ground Floor Finished Floor Elevation (ft) [2]	32.04.05.B.8		
Residential Units with RBL frontage, Min/Max [3]		3/6	3/6
Non-Residential, Min/Max [4] [5]		0/1.5	0/1.5
Footprint Gross Area			
Primary Structure (sf, max)		7,500	6,000
Accessory Structure (sf, max)		1,500	750
Continuous Frontage (ft, max)	32.04.05.C.5 and 6	120	100
Notes			

[1] Height in Urban Form districts is measured to the eave.

- [2] Measured from the average fronting sidewalk elevation and within 20 feet of the required building line.
- [3] Main entrances may be at grade, with transitions to meet the minimum finished floor elevation within the building interior.
- [4] See uses for those activities that are permitted at grade.
- [5] Live-work shall comply with U-VR except that the ground story may be configured at grade, as a shopfront.

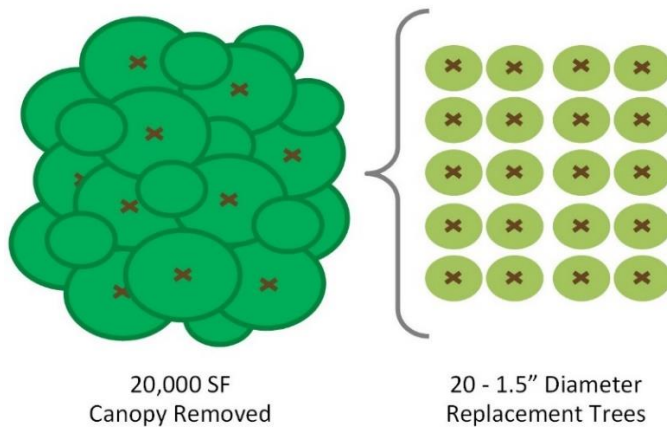
Section 14. Section 32.04.06.I.4 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.04.06.I.4 as follows:

4. Tree Replacement

- a. Tree canopy removed from the site shall be replaced at a rate of one tree of at least 1.5 inch caliper per 1,000 square feet of canopy removed. Tree replacement required for Significant Tree removal shall count towards the canopy replacement requirement.
- b. Significant Trees removed from the site must be replaced in a number and size that replaces the caliper inches of all destroyed Significant Trees, as shown in Figure 32.04.06-A.
- c. Tree types shall be selected from the city approved tree list.
- d. Tree replacement shall be made within 180 days of the removal. Any tree or tree areas identified to be retained on the landscape plan that do not remain alive for a period of at least 10 years after the development of the site, or stage ceases, shall be considered damaged in violation of this Code and shall be replaced at the rate required by this subsection.
- e. Subject to approval by the City Arborist, trees that are standing dead or severely damaged by termites, lightning, or other acts of God, shall be removed as a safety precaution, and shall be exempt from the replacement and removal requirements of this section unless the site is subject to an approved landscape plan.

Section 15. Figure 32.04.06-A of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Figure 32.04.06-A is enacted as follows:

CANOPY REPLACEMENT



SIGNIFICANT TREE REPLACEMENT

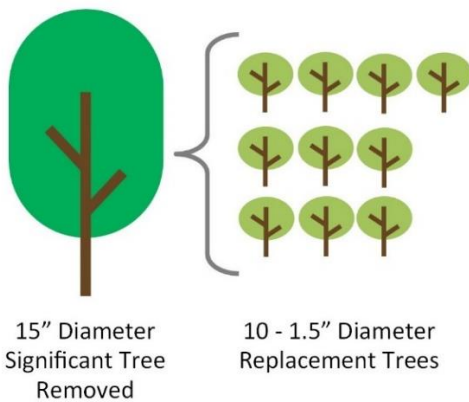


Figure 32.04.06-A: Tree Replacement

Section 16. Section 32.04.06.J.3.a(ii) of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.04.06.J.3.a.ii is enacted as follows:

- ii. For all other parking lot boundaries, the boundary shall be landscaped or screened according to one of the following options:
 - (A) A minimum six-foot-tall solid opaque fence; or
 - (B) A minimum four-foot-wide planting strip containing a low, continuous hedge a minimum of 30 inches tall at installation consisting of a double row of evergreen shrubs planted a minimum of three feet on-center in a triangular pattern with a combined height of six feet to form a continuous screening within three years of planting.

Section 17. Section 32.04.08.C.4.f(i) of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.04.08.C.4.f.i as follows:

- (i) Accessory signs displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, telephones, danger areas, parking area entrances

or exits, freight entrances, navigation, menu-board signs for drive-through or drive-up customers, or the like, shall not exceed six square feet in surface area. When viewable from a public right-of-way, these signs shall meet all the following criteria:

- (A) No more than six feet in total height (mounted on wall or in ground);
- (B) No more than two such signs per approved entry/exit point; and
- (C) Permanently anchored or fastened.

Section 18. Section 32.04.08.D.2.e of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.04.08.D.2.e is enacted as follows:

A mural wall sign is a type of wall sign which is painted or installed on the surface of a non-facade elevation, which is any elevation that is not subject to building design standards as defined in Section 32.04.05. The intention of this provision is to permit additional space for wall signs which include decorative or artistic elements. A mural wall sign may or may not include commercial speech as defined by Section 32.08.03.AB.

(i) Permitted Locations

A mural wall sign may be painted, applied, or installed over any non-facade elevation on a structure located in any Mixed-Use, Urban, Industrial, or Public district.

(ii) Calculation of Sign Area

Where a mural wall sign is permitted, the calculated sign area shall be based only on the portion of the sign which displays any sign copy, logos, or portions of logos of an entity which is located, conducts business, or otherwise operates within the City of Cedar Rapids. This area shall be subject to and included in the calculation for allowable wall sign area for the structure. Other elements of a mural wall sign may cover all portions of a non-facade elevation provided that it does not obscure or remove any required building design features, block any required building access, or otherwise violate any other applicable codes or regulations.

(iii) Timeframe Except for removal of the sign, a mural wall sign shall not be refaced more than once every 6 months.

Section 19. Table 32.05-1 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Table 32.05-1 is enacted as follows:

Table 32.05-1: Specific Application Procedural Steps								
Application Types		Pre-Meetings		Application and Review				
Procedure	Section	Pre-app Mtg. Sec. 32.05.01(C.2)	Neigh. Mtg. Sec. 32.05.01(C.1)	Written App. Sec. 32.05.01(D)	Fee Payment Sec. 32.05.01(E)	Det. Complete. Sec. 32.05.01(F)	Staff Review Sec. 32.05.01(G)	Notice/Hearing Sec. 32.05.01(H)
R = Required; (R) = Required if Requested by Staff or Applicant								
Comprehensive Plan or Future Land Use Plan Amendment	32.05.03	R	(R)	X	X	X	X	X
Rezoning Amendment	32.05.04	R	(R)	X	X	X	X	X
Zoning Code Text Amendment	32.05.05			X	X	X	X	X
PUD Preliminary or Master Plan	32.05.06	R	(R)	X	X	X	X	X
Site Development Plans	32.05.07	(R)						
Concurrent application		<i>Follows requirements of primary application</i>						
Administrative				X	X	X	X	
Temporary Uses	32.05.08			X	X	X	X	
Conditional Uses	32.05.09	R	(R)	X	X	X	X	X
Conditional Expansion of Legal Nonconforming Use	32.05.10	R	(R)	X	X	X	X	X
Minor Design Adjustment	32.05.11			X	X	X	X	
Major Design Exception	32.05.12	R	(R)	X	X	X	X	X
Variances	32.05.13	(R)		X	X	X	X	X

Zoning Clearance Permit	32.05.14			X	X	X	X	
Special Use Permit	32.05.15			X	X	X	X	
Certificates of Occupancy	32.05.16			X	X	X	X	

Section 20. Table 32.05-3 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Table 32.05-3 is enacted as follows:

Table 32.05-3: Public Hearing Notice			
Application Types	Required Public Hearing Notice		
Procedure	Posted, Min. Days Prior to Hearing/Meeting	Mailed to Neighbors	Published, Prior to Hearing/Meeting
Comprehensive Plan/Future Land Use Plan Amend.	13	X	Not more than 20 days and not less than 7 days
Rezoning Amendment	13	X	Not more than 20 days and not less than 7 days
Zoning Code Text Amendment			Not more than 20 days and not less than 7 days
PUD Preliminary or Master Plan	13	X	Not more than 20 days and not less than 7 days
Site Development Plans			
Concurrent application	<i>Follows primary application</i>		
Administrative			
Temporary Use			
Conditional Uses	13	X	Not more than 20 days and not less than 4 days
Conditional Expansion of Legal Nonconforming Use	13	X	Not more than 20 days and not less than 4 days
Minor Design Adjustment			
Major Design Exception	13	X	<u>Not more than 20 days and not less than 4 days</u>
Variance or Appeal	13	X	Not more than 20 days and not less than 4 days
Zoning Clearance Permit			
Special Use Permit			
Certificates of Occupancy			

Section 21. Section 32.05.01.E of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.05.01.E is enacted as follows:

E. Fees

A non-refundable fee shall be paid by the applicant at the time any application is filed. Application fees for each type of application shall be established by resolution from time to time by the City Council to defray estimated staff costs and expenses of processing applications pursuant to this Code.

1. Such schedule of fees may include additional fees if an applicant submits more than two incomplete or revised applications for the same proposed development.
2. The City may establish fees for special meetings of approval bodies or priority review of applications.
3. The application fee shall not be required for actions initiated by the City.
4. The application fee may be waived, at the discretion of the City, where a determination is made that the application arises out of an error or technical omission on the part of the City.

Section 22. Section 32.05.01.H.3 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.05.01.H.3 is enacted as follows:

3. Public Notice by Posted Sign

Where Table 32.05-3 requires posted notice, the notice shall contain the content listed in Subsection H.2.d and f, above, and shall meet the following requirements:

a. Provision and Posting of Signs

The City shall provide notification signs for all applications which require a meeting or hearing before the City Planning Commission or Board of Adjustment. The notification signs shall state the type of request being made, the date, time, and location of the initial meeting or hearing on the request, and instructions on how to view the full notification letter for the request.

b. Number and Location of Signs

The signs shall be clearly posted by the applicant on the property for which a request has been made. At least one sign must be placed so that it may be seen from an abutting street.

- (i) One sign shall be posted for interior lots with a frontage less than 125 feet.
- (ii) A minimum of two signs shall be posted for properties with multiple street frontages or a single frontage of 125 feet or more.
- (iii) On large parcels, or parcels that are difficult to see from the exterior boundary lines, additional posted signs, as may be necessary to reasonably ensure that notice is provided around the property, may be required.

c. Time of Posting

- (i) Notification signs shall be posted on the property no more than 20 and no less than 13 days prior to the initial hearing or meeting before the City Planning Commission

or Board of Adjustment. Photographic evidence of placement prior to the placement deadline shall be provided to the City.

- (ii) It shall be the applicant's responsibility to see that the signs remain posted during the entire period up to the date and time of the initial meeting or hearing. In the event signs are damaged or destroyed, the City shall provide replacement signs within 1 business day of notification.
- (iii) If the signs are not posted in accordance with the preceding requirements, the decision-making body shall delay action on the petition unless the applicant satisfies the decision-making body that the signs were initially posted in the applicable timeframe prior to the meeting and the applicant made diligent efforts to keep the signs posted during the entire period but circumstances beyond applicant's control prevented a continuous posting, in which case the decision-making body may act on the petition.

d. Reposting

- (i) In the event that the application is withdrawn, delayed, or the meeting otherwise cancelled prior to the initial meeting or hearing stated on the sign, then new signs shall be required as part of the notification for future meetings.
- (ii) If the meeting or public hearing indicated on the sign(s) is held and consideration of the request is continued, tabled, or otherwise delayed to a later date, the applicant may be required to obtain and post new signs with the new dates, at the discretion of the City.

e. Sign Removal

Notice signs shall be removed by the applicant upon completion of the meeting or hearing indicated on the sign. No person other than the applicant or applicant's agent shall erect, remove, or alter such signs. No one shall deface nor in any way affect the visibility or interfere with such signs.

Section 23. Section 32.05.08.A of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.05.08.A is enacted as follows:

The purpose of a temporary use permit is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner that will not adversely impact the general welfare of persons residing in the community. A temporary use permit is required prior to the construction or operation of any facilities or uses associated with any activity that requires authorization of a temporary use permit.

1. Review and Approval

Temporary use permit applications shall be processed through the administrative site development plan review process. In addition to the site development plan review criteria, Development Services shall also review temporary use applications for the following:

- a. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation;
- b. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat); and

- c. Regulation of maintenance and site restoration during, and after termination of the temporary use or expiration of the temporary use permit. A bond or other form of security acceptable to the City may be required prior to the initiation.

2. Revoke Temporary Use Permit

Activities permitted by a Temporary Use Permit may be reviewed at any time by the City for conformance with permit requirements. Properties and uses found to be out of compliance with their Temporary Use Permit may have their permit revoked immediately.

Section 24. A new Section 32.05.09.H of the Cedar Rapids Municipal Code is enacted as follows:

H. Modifications and Expirations:

1. Modifications

- a. A modification is required for the following:
 - i. Requests to remove or modify conditions of approval.
 - ii. Site improvements which increase the total area of a conditional use by the greater of 500 square feet or 20%, over any period from the issuance of the conditional use or the effective date of this Code, whichever is shorter.
 - iii. Other site improvements or modifications which, at the discretion of the City, are likely to create substantial impacts on adjacent properties based on the nature of the use, proposed improvements, and adjacent properties.
- b. Modifications shall follow the procedures for a new conditional use application. In consideration a modification, the Board of Adjustment shall consider the criteria for approval of a conditional use may take into consideration the existing nature of the use.

2. Expiration

- a. When an existing conditional use ceases to operate, the approval shall automatically expire if not reestablished within 1 year of the date the use ceases. At this time a new conditional use permit shall be obtained. Where there is a dispute as to the date a conditional use ceases to operate it shall be the responsibility of the applicant to provide evidence establishing said date.
- b. Per section 32.05.01.P, approvals granted pursuant to this section shall expire at one year following the date of approval if action is not taken to initiate development unless otherwise specified in the development application section or specific project approval.
- c. When amendments to the zoning code remove the requirement for an existing use to obtain a conditional use permit, then the conditional use approval shall be considered withdrawn, and the use shall operate under

the provisions of the revised code. Nonconformities that may arise from this situation shall be deemed legal nonconformities.

Section 25. Section 32.05.14.D.3 of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.05.14.D.3 is enacted as follows:

3. A zoning clearance permit is valid for 1 year after issuance. The expiration date may be extended once for a period not to exceed 1 year when a request is made in writing to the City prior to the original expiration date.

Section 26. Section 32.06.02.B of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.06.02.B is enacted as follows:

A. Structure or Building Damaged or Destroyed

1. A nonconforming building or structure, whether located on a conforming or nonconforming lot, that is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 65 percent of the fair market value of the building before damage, based upon insurance value, shall not be restored except in conformity with all of the regulations of the district in which it is located.
 - a. Where a legally established, nonconforming single unit residential structure or building is destroyed by casualty, an identical replacement building or structure may be re-established without conformity to the district provided that such repair, restoration, or reconstruction is:
 - i. Used for replacement of the single unit residential use; and,
 - ii. Within the same or smaller footprint and volume; or with the same or smaller footprint and volume, but relocated on the property; and,
 - iii. Subject to all applicable City codes; and,
 - iv. Started within 12 months of such damage and diligently prosecuted to completion. The City may extend the 12-month period for one additional period of up to 12 months if it concludes that delay in repair, restoration, or construction was caused in part by factors beyond the control of the owner.
2. If a nonconforming building or structure is damaged less than 65 percent, it may be repaired, restored, or reconstructed and used as before the time of damage, provided that such repair, restoration, or reconstruction is started within 12 months of such damage and diligently prosecuted to completion. The City may extend the 12-month period for one additional period of up to 12 months if it concludes that delay in repair, restoration, or construction was caused in part by factors beyond the control of the owner.

Section 27. Section 32.06.03.A of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Section 32.06.03.A is enacted as follows:

A. Nonconforming Use of a Structure or Building

Where at the time of adoption of this Code, or of subsequent amendments thereto, lawful use of a structure or building exists that would not be permitted by the regulations imposed by this Code, such use may be continued, provided:

1. Nonconforming commercial and industrial uses may expand under those conditions set forth in Sec. 32.05.10.
2. Any nonconforming use may be extended throughout any existing parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside the building.
3. If no expansion or enlargement is made, the nonconforming use may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.
4. Where a legally established, nonconforming single unit residential use is destroyed by casualty, an identical single unit residential replacement use may be re-established on the same parcel provided that all other requirements of this Code are met.
 - a. Where nonconforming status applies also to the single unit residential structure or building, the requirements of Section 32.06.02.B shall be met instead.

Section 28. A new Section 32.06.03.D of the Cedar Rapids Municipal Code is enacted as follows:

D. Nonconforming Parking or Storage Surfaces

Any legally established parking or storage surface that is made nonconforming by the standards of this Code as to prohibited surface materials (sealcoat, gravel, dirt, or grass), shall be allowed to continue, but shall not be altered or reconstructed unless such action is in compliance with the requirements of this Code and does not increase the degree of nonconformity.

1. Non-conforming surfaces must be maintained. The City may require that the nonconforming surface be removed or converted to an approved surface if not maintained to prevent material runoff into the right of way, standing water, or dust; or if the surface has become overgrown with weeds.

Section 29. Section 32.08.03.A of the Cedar Rapids Municipal Code is hereby amended to add the following definitions:

Accessory Dwelling Unit, Attached

A dwelling unit that is considered part of the primary structure but results in an expansion of the primary structure's footprint.

Accessory Dwelling Unit, Detached

A dwelling unit that is separate from the primary structure (e.g., garage apartment or a standalone structure).

Accessory Dwelling Unit, Internal

A dwelling unit that is located wholly within the primary structure without expansion of the footprint (e.g., basement or attic units).

Section 30. Section 32.08.03.B of the Cedar Rapids Municipal Code is hereby amended to add the following definition:

Barbed Wire

Wire consisting of windings of sharp metallic projections.

Section 31. Section 32.08.03.E of the Cedar Rapids Municipal Code is hereby amended to add the following definition:

Emergency Services

Removal of a vehicle from a street right of way through emergency roadside assistance or towing.

Section 32. Section 32.08.03.F of the Cedar Rapids Municipal Code is hereby amended to add the following definitions:

Fence Height

The height of a fence or screen is the plumb vertical distance from the grade line to the top of the running portion of the structure at a given point.

Fence, Protective

A protective fence is one having physical characteristics and location which will deny free access to property upon which there is an unsafe building or structure, an unsafe excavation, a dangerous condition, an attractive nuisance, or any other hazardous condition or nuisance as defined by ordinance or law.

Fence, Temporary

A temporary fence is any fence which is constructed in a manner that is not permanent. Temporary fences shall include both fences intended to be installed in a temporary manner as well as fences constructed in a manner defined by Subsection 32.04.05.A.6.k(iii)(C)(1).

Section 33. Section 32.08.03.H of the Cedar Rapids Municipal Code is hereby amended to add the following definition:

Housekeeping

A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Section 34. Section 32.08.03.P of the Cedar Rapids Municipal Code is hereby amended to add the following definition:

Principal Building or Structure

The main or primary structure on a lot used or intended for use for a principal use. This shall not prohibit more than one principal structure on a lot if all other requirements of this Chapter are met.

Section 35. Section 32.08.03.S of the Cedar Rapids Municipal Code is hereby amended to add the following definition:

Screen

A screen is a structure or obstruction designed and located to restrict vision, ventilation, or access to an area or space.

Section 36. Section 32.08.03.U. Use, Principal of the Cedar Rapids Municipal Code is repealed and in its place a new definition is enacted as follows:

Use, Principal

The main or primary purpose for which land or a structure is designed, arranged, or intended, or to which purpose land or a structure is occupied, maintained, leased, or operated. More than one principal use may exist on the same lot.

Section 37. Section 32.08.03.AB of the Cedar Rapids Municipal Code is hereby amended to amend the following definition:

Sign, Free-standing

Any non-movable sign not affixed to a building, and including bracket signs, monument signs, pole signs, and construction signs.

Section 38. It is the intention of the City Council that each section, paragraph, sentence, clause, and provision of the ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof than that affected by such decision.

Section 39. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 40. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Cedar Rapids Municipal Code and made a part of said Code as provided by law.

Section 41. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 12th day of March, 2024.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Development Services

Director Contact: Bill Micheel – w.micheel@cedar-rapids.org – (319) 286-5725

Presenter at Meeting: Mathew Langley

Description of Agenda Item: PUBLIC HEARINGS

A public hearing will be held on March 12, 2024 to consider repealing Chapter 32B of the Municipal Code, Floodplain Management, and enacting a new Chapter 32B in its place to continue participating in the national flood insurance program, qualify for increased premium discounts for property owners, and adopt higher protection standards within the Special Flood Hazard Areas and for critical facilities in the mapped X Flood Zones.

CIP/DID # DSD-001-24

Council Priority: Not applicable
EnvisionCR Goal: ProtectCR Goal 1: Protect Cedar Rapids from flooding and other hazards.

Background: This public Hearing is for a proposed amendment to Chapter 32B of the Cedar Rapids Municipal Code, the City's Floodplain Management Ordinance.

New Flood Insurance Rate Maps (FIRMs) for Cedar Rapids will be effective May 22, 2024. With each issuance of new maps, FEMA requires the City to update its Floodplain Management Ordinance to meet or exceed requirements of the NFIP to maintain participation. Additionally changes to Chapter 32B must be reviewed and approved by the Iowa Department of Natural Resources (DNR). Waterways affected by the new maps include the following:

- Cold Stream
- Dry Creek
- Indian Creek
- Prairie Creek and tributary
- Vinton Ditch

The proposed changes include higher protection standards for development located within the SFHA as listed below:

- Structure protection requirement to 1.5ft above the Base Flood Elevation
- Substantial Improvement threshold for structures set at 40% over a 10-year period
- Substantial Damage threshold at 40% market value
- Substantial Damage threshold from repeat flood events set at 20% market value
- Additional restrictions for development in the Floodway
- Reduction of extension of elevated fill requirements for residential structures from 18ft in all directions from any structure upon the fill to 5ft in all directions from any structure upon the fill



- Clear call out of engineering standards and design criteria for structures, foundations, and fill material that will have structures built upon.

The ordinance also includes protection standards for new Maximum Damage Potential Structures located in the SFHA or in the shaded X zones. Previously the model ordinance required these types of structures within the SFHA to be protected to 1 foot above the 500 year floodplain elevation, with the proposed update applying a protection requirement within the SFHA and the Shaded X zones to 1.5ft above the 500 year floodplain elevation.

Lastly the ordinance includes structural improvements to overall improve alignment with the NFIP language the City is required to meet, as well as clarification of standards and improvements to readability.

A copy of the proposed ordinance is on file at the Office of the City Clerk, 101 1st St SE, Cedar Rapids, Iowa, where it may be view

Recommended Action: City staff recommend approval of the First Reading of the Ordinance

Alternative: City Council may request additional information before voting on the updated ordinance

Time Sensitivity: moderate

Resolution Date: NA

Budget Information: NA

Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Not applicable

Explanation:

ORDINANCE NO. LEG_NUM_TAG

AN ORDINANCE REPEALING CHAPTER 32B OF THE MUNICIPAL CODE, FLOODPLAIN MANAGEMENT, AND ENACTING A NEW CHAPTER 32B IN ITS PLACE TO CONTINUE PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM, QUALIFY FOR INCREASED PREMIUM DISCOUNTS FOR PROPERTY OWNERS, AND ADOPT HIGHER PROTECTION STANDARDS WITHIN THE SPECIAL FLOOD HAZARD AREAS AND FOR CRITICAL FACILITIES IN THE SHADED X FLOOD ZONES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

Section 1. Chapter 32B of the Cedar Rapids Municipal Code is hereby repealed and in its place a new Chapter 32B is enacted as follows:

“CHAPTER 32B FLOODPLAIN MANAGEMENT ORDINANCE

32B.01 – Legal Authority, Findings of Fact and Purpose

1. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
2. Findings of Fact
 - A. The flood hazard areas of the City of Cedar Rapids are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
 - B. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
3. Statement of Purpose

It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City of Cedar Rapids and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in 32B.01(2)(A) of this chapter with provisions designed to:

- A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- B. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

32B.02 – Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

- 1. Applicant – Person or persons, firm, corporation, government, or other entity that has applied for a permit to develop land in the floodplain.
- 2. Appurtenant Structure – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- 3. Base Flood – The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the “100-year flood”).
- 4. Base Flood Elevation (BFE) – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- 5. Basement – Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
- 6. Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
- 7. Enclosed Area Below Lowest Floor – The floor of the lowest enclosed area in a building when all the following criteria are met:
 - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 32B.07(2)(D)(1) of this chapter, and
 - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, or storage, and

- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one and a half (1.5) foot above the base flood elevation, and
 - D. The enclosed area is not a “basement” as defined in this section.
- 8. Existing Construction – Any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community.
 - 9. Existing Factory-Built Home Park Or Subdivision – A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
 - 10. Expansion Of Existing Factory-Built Home Park Or Subdivision – The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
 - 11. Factory-Built Home – Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter factory-built homes include mobile homes, manufactured homes, and modular homes; and also include “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
 - 12. Factory-Built Home Park Or Subdivision – A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
 - 13. Five Hundred (500) Year Flood – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
 - 14. Flood – A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
 - 15. Flood Insurance Rate Map (FIRM) – The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
 - 16. Flood Insurance Study (FIS) – A report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
 - 17. Floodplain – Any land area susceptible to being inundated by water as a result of a flood.
 - 18. Floodplain Management – An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

19. Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
20. Floodway – The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
21. Floodway Fringe – Those portions of the Special Flood Hazard Area outside the floodway.
22. High Damage Potential – The flood damage potential associated with habitable residential buildings or industrial, commercial, or public buildings or building complexes of which flooding would result in high public damages as determined by the Iowa Department of Natural Resources.
23. Highest Adjacent Grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
24. Historic Structure – Any structure that is:
 - A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either
 - i) an approved state program as determined by the Secretary of the Interior or
 - ii) directly by the Secretary of the Interior in states without approved programs.
25. Low Damage Potential – All buildings, building complexes or flood plain use not defined as maximum or high damage potential.
26. Lowest Floor – The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.
27. Maximum Damage Potential Development – Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

28. Minor Projects – Small development activities (except for filling, grading and excavating) valued at less than \$500.
29. New Construction – (new buildings, factory-built home parks) – Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
30. New Factory-Built Home Park Or Subdivision – A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.
31. Recreational Vehicle – A vehicle which is:
 - A. Built on a single chassis;
 - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light duty truck; and
 - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
32. Regulatory Floodway – See definition of Floodway.
33. Routine Maintenance of Existing Buildings and Facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
 - A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - C. Basement sealing;
 - D. Repairing or replacing damaged or broken window panes;
 - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
34. Special Flood Hazard Area (SFHA) – The land within a community subject to the “base flood”. This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
35. Start Of Construction – Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the

placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

- 36. Structure – Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory- built homes, storage tanks, grain storage facilities and/or other similar uses.
- 37. Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure, to a before-damaged condition would equal or exceed forty (40) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 20 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

- 38. Substantial Improvement – Any improvement to a structure which satisfies any of the following criteria:
 - A. If the proposed work is located in the Floodway then the substantial improvement criteria is any repair, improvements, modifications, reconstruction or addition of a structure taking place during a 10 year period, the cumulative cost of which equals or exceeds twenty-five (25) percent of the market value of the structure either (i) before the “start of construction” of the first improvement of the structure, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred.
 - B. For structures located in the Floodway Fringe District or the General Floodplain District any improvements, modifications, repairs, reconstructions or additions of a structure taking place during a 10-year period, the cumulative cost of which, equals or exceeds forty (40) percent of the market value of the structure either (i) before the “start of construction” of the first improvement of the structure, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred.
 - C. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

Any addition to a building must meet the protection requirements of this ordinance regardless of substantial improvement requirements outlined in 32B.02.38.

The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which

have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

The term also does not include any alteration of an “historic structure”, provided the alteration will not preclude the structure’s designation as an “historic structure”. To determine if this criteria is met, either the State Historic Preservation Office or a qualified practicing design professional meeting the Secretary of the Interior’s Professional Qualification Standards must provide a letter certifying that the proposed work will not preclude the structure’s designation as a historic structure.

39. Variance – A grant of relief by the Cedar Rapids Board of Adjustment as provided for in this chapter, from the strict application of the floodplain management regulations to a particular Development.
40. Violation – The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

32B.03 – General Provisions

1. Ordinance Effective Date

This Ordinance, upon adoptions by Council, becomes effective May 22, 2024.

2. Lands to Which Chapter Applies

The provisions of this chapter shall apply to all lands within the jurisdiction of the City of Cedar Rapids shown on the Official Floodplain Zoning Map, as established in Section 32B.03.3, and that are within the boundaries of the Floodway, Floodway Fringe, General Floodplain (Overlay) Districts, and the Five Hundred Year Floodplain District, as established in Section 32B.05.

3. Establishment of Official Floodplain Zoning Map

The Flood Insurance Rate Map (FIRM) for Linn County and Incorporated Areas, City of Cedar Rapids, consisting of panels 19113C0270E, 0279E, 0280E, 0283E, 0284E, 0287E, 0290E, 0291E, 0295F, 0311F, 0313F, 0314E, 0385E, 0395E, 0405F, 0410E, 0415E, 0420E, 0430F, 0435E, 0440E, 0535E, 0550E, dated May 22, 2024, and which were prepared as part of the Flood Insurance Study for Linn County, is hereby adopted by reference, and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter. The Official Floodplain Zoning Map shall be kept on file and available for public inspection at the Development Services Division.

4. Rules for Interpretation of District Boundaries

The boundaries of the zoning overlay districts shall be determined by scaling distances on the Official Floodplain Zoning Map. The Administrator shall interpret the Official Floodplain Zoning Map to determine the boundaries of zoning district areas. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Administrator in the determination of any such areas, or otherwise in the enforcement or administration of this chapter.

5. Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

6. Abrogation and Greater Restrictions

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other chapters inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

7. Interpretation

The provisions of this chapter shall be interpreted and applied to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by any other law or regulation.

8. Warning and Disclaimer of Liability

The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Cedar Rapids or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

32B.04 – Administration

1. Appointment, Duties and Responsibilities of Local Official

- A. The Floodplain Administrator is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.
- B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - 1) Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.
 - 2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources for floodplain construction.
 - 3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - 4) Notify adjacent communities/counties and the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

- 5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.
- 6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
- 7) Notify the Federal Insurance Administrator of any annexations or modifications to the community's boundaries.
- 8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.
- 9) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
 - a. Development placed within the Floodway (Overlay) District results in any of the following:
 - (i) An increase in the Base Flood Elevations, or
 - (ii) Alteration to the floodway boundary
 - b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
 - c. Development relocates or alters a channel or waterbody within Zone A or AE
- 10) Perform site inspections to determine compliance with the standards of this chapter.
- 11) Forward all appeals and requests for Variances to the Board of Adjustment for consideration, including all necessary information submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

2. Floodplain Development Permit

- A. Permit Required – A Floodplain Development Permit issued by the Administrator is required prior to any Development within a floodplain.
- B. Application for Permit – Application shall be made on forms furnished by the Administrator and shall include the following:
 - 1) Description of the work to be covered by the permit for which application is to be made.
 - 2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - 3) Location and dimensions of all structures and additions

- 4) Indication of the use or occupancy for which the proposed work is intended.
 - 5) Elevation of the base flood.
 - 6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
 - 7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
 - 8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.
- C. Action on Permit Application – The Administrator shall make a determination as to whether the proposed floodplain Development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for Variances except as directed by the Board of Adjustment.
- D. Construction and Use to be as provided in Application and Plans – Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction that is not part of an approved plan and application shall be deemed a violation of this chapter.
- E. Certification of Completed Development – Within 30 days of the completion of any Development for which a Floodplain Development Permit was issued, and before any use or occupancy of any structure will be allowed, the Applicant shall submit certification by a licensed professional engineer or land surveyor, as appropriate, licensed in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter. Within 6 months of the completion of any Development for which a Floodplain Development Permit was granted, the Applicant shall submit to the Administrator and FEMA all scientific and technical data necessary for a Letter of Map Revision.

32B.05 – Establishment of Zoning (Overlay) Districts

The floodplain areas within the City of Cedar Rapids are hereby divided into the following districts:

1. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Floodplain Zoning Map;
2. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Floodplain Zoning Map but excluding those areas identified as Floodway;
3. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Floodplain Zoning Map, and;
4. Five Hundred Year Floodplain District – those areas identified as Shaded Zone X on the Official Floodplain Zoning Map

The boundaries of these districts shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses, as provided for in this chapter, are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

32B.06 – Floodway (Overlay) District (FW)

1. Permitted Uses

All developments within the Floodway District shall be permitted to the extent that the Development is not prohibited by any other ordinance (or underlying zoning district) and provided the Development meets all applicable performance standards of the Floodway District as set forth in Section 32B.06(2).

2. Performance Standards

All Floodway District uses shall meet the following standards to be deemed a Permitted Use.

- A. No Development shall be permitted in the Floodway District that would result in any increase in the Base Flood Elevation. Consideration of the effects of any Development on flood levels shall be based upon the assumption that an equal degree of Development would be allowed for similarly situated lands.
- B. All Development within the Floodway District shall:
 - 1) Be consistent with the need to minimize flood damage.
 - 2) Use construction methods and practices that will minimize flood damage.
 - 3) Use construction materials and utility equipment that are resistant to flood damage.
- C. No Development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.
- D. Any structure and attendant utilities, machinery, sanitary, etc., approved in the Floodway shall have an additional foot of protection required in addition to the requirements of the Floodway Fringe District. This shall be calculated as one (1) plus the required elevation level as identified throughout the rest of 32B.
- E. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet all other applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- F. Structures, if permitted, shall have a low damage potential and shall not be for human habitation. Foundations must be designed and sealed by a registered design professional in compliance with the most recent edition of ASCE 24 and shall not be constructed on fill.
- G. Storage of materials or equipment is prohibited in the floodway.

- H. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Iowa Department of Natural Resources.
- I. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- J. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.
- K. Flood control structural works such as levees, flood walls, etc. and related components necessary for flood control structural works shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

32B.07 – Floodway Fringe (Overlay) District FF

1. Permitted Uses

All development within the Floodway Fringe District shall be permitted to the extent that the Development is not prohibited by any other ordinance (or underlying zoning district) and provided the Development meets applicable performance standards of the Floodway Fringe District as set forth in Section 32B.07(2).

2. Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

A. All Development shall:

- 1) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.
- 2) Use construction methods and practices that will minimize flood damage.
- 3) Use construction materials and utility equipment that are resistant to flood damage.

B. Foundations for all new or substantially improved structures must be designed and sealed by an Iowa registered engineer and be designed to protect from erosion and scour in accordance with the most recent edition of ASCE 24.

If the structure is to be constructed on fill, grading/fill plans must be prepared and stamped by an Iowa Registered Engineer. The design and compaction of the fill material must be in accordance with the most recent edition of ASCE 24 and account for scour and erosion protection.

- C. Residential structures – All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one and a half (1.5) foot above the Base Flood Elevation.

Construction shall be upon compacted fill which shall, at all points, be no lower than 1.5 ft. above the base flood elevation and extend at such elevation at least 5 feet beyond the limits of any structure erected thereon.

The Administrator may allow alternate methods of elevating (such as piers or extended foundations) where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood.

- D. Non-residential structures – All new or substantially improved non- residential structures shall have the lowest floor (including basement) elevated a minimum of one and a half (1.5) foot above the Base Flood Elevation, or together with attendant utility and sanitary systems, be dry floodproofed to such a level.

When floodproofing is utilized, the Applicant shall submit with its application, a certification from a professional engineer licensed in the State of Iowa that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the Base Flood Elevation is watertight with walls substantially impermeable to the passage of water.

A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

Dry Floodproofing is not allowed where expected flood velocities are greater than 5 feet per second or water depth is 3 feet or greater.

- E. All new and substantially improved structures shall meet the following requirements:

- 1) Fully enclosed areas of a structure below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs submitted by the Applicant must meet this requirement as shown either by a certification from a professional engineer licensed in the State of Iowa certifying that the designs meet this requirement, or by meeting or exceeding the following minimum criteria:
 - a. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.

- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and storage with low damage potential.

- 2) New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 3) New and substantially improved structures shall be constructed with elevated electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment or in the case on non-residential structures, optionally floodproofed to a minimum of one and a half (1.5) foot above the Base Flood Elevation.
- 4) New and substantially improved structures shall be constructed with elevated plumbing, gas lines, water/gas meters and other similar service utilities or in the case of non-residential structures, optionally floodproofed to a minimum of one and a half (1.5) foot above the Base Flood Elevation or designed to be watertight and withstand inundation to such a level.

F. Factory-built homes

- 1) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one and a half (1.5) foot above the Base Flood Elevation.
- 2) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

G. Utility and Sanitary Systems

- 1) On-site wastewater disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding. Septic Systems are prohibited within the SFHA.
- 2) All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one and a half (1.5) foot above the Base Flood Elevation.
- 3) New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a

level of protection equal to or greater than one and a half (1.5) foot above the Base Flood Elevation.

- 4) Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- H. Storage of materials and equipment that are flammable, explosive, or injurious to human, animal or plant life is prohibited unless elevated a minimum of one and a half (1.5) foot above the Base Flood Elevation.

Other material and equipment must either be similarly elevated or

- (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or
 - (ii) be readily removable from the area within the time available after flood warning.
- I. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
- J. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. The Iowa Department of Natural Resources must approve such alterations or relocations prior to any application for Development within a Floodway Fringe (Overlay) District may be granted.
- K. Subdivisions (including factory-built home parks and subdivisions) shall be designed and constructed to reduce the risk of flood damages and shall have grading and drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the Base Flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include Base Flood Elevation data for those areas located within the Floodway Fringe (Overlay) District.
- L. Accessory Structures to Residential Uses
 - 1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the Base Flood Elevation requirements where the following criteria are satisfied:
 - a. The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than one and a half (1.5) foot above the Base Flood Elevation must be constructed of flood-resistant materials.
 - b. The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

- c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - d. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
 - e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one and a half (1.5) foot above the Base Flood Elevation.
 - f. The structure's walls shall include openings that satisfy the provisions of 32B.07(2)(D)(1) of this chapter.
- 2) Exemption from the Base Flood Elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

M. Recreational Vehicles

- 1) Recreational vehicles are exempt from the requirements of 32B.07(2)(E) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
- a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- 2) Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of 32B.07(2)(E) of this chapter regarding anchoring and elevation of factory-built homes.

N. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

O. Maximum Damage Potential Development – All new or substantially improved Maximum Damage Potential Development shall have the lowest floor (including basement) elevated a minimum of one and a half (1.5) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify, prior to the approval of any Application for Development within a Floodway Fringe (Overlay) District, that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data

has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The Applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

32B.08 – General Floodplain (Overlay) District (GF)

1. Permitted Uses

- A. All Development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.
- B. All Development which involves placement of structures, factory- built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed and approved by the Iowa Department of Natural Resources prior to the approval of any application of such Development to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the Base Flood Elevation. The Applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
 - 1) The bridge or culvert is located on a stream that drains less than two (2) square miles, and
 - 2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), Iowa Administrative Code.

2. Performance Standards

- A. All Development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District 32B.06.
- B. All Development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District 32B.07.

32B.09 – Five Hundred Year Floodplain District Standards

1. Permitted Uses

All Development within the Five Hundred Year mapped Floodplain shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Five Hundred Year Mapped Floodplain.

2. Maximum Damage Potential Development – All new or substantially improved Maximum Damage Potential Development shall have the lowest floor (including basement) elevated a minimum of one and a half (1.5) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be dry floodproofed to such a level.

When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify, prior to the approval of any Application for Development that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water.

A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The Applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

32B.10 – Appointment and Duties of Board of Adjustment

1. Appointment and Duties of Board of Adjustment – The Board of Adjustment of the City of Cedar Rapids shall hear and decide (i) appeals and (ii) requests for Variances to the provisions of this chapter and shall take any other action which is required of the Board by applicable law.
2. Appeals – Where it is alleged there is any error in any order, requirement, decision, or determination made by the Administrator in the enforcement of this chapter, the aggrieved party may appeal such action. A notice of appeal shall be filed with the Board of Adjustment and with the Administrator and shall set forth the specific reason for the appeal. The Administrator shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
3. Variance – The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, and where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:
 - A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the Applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
 - B. Variances shall not be issued within any designated floodway if any increase in flood levels during the Base Flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

- C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - D. In cases where the Variance sought would decrease the lower level of flood protection for structures than what is ordinarily required by this chapter, the Administrator shall notify the Applicant in writing that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.
4. Hearings and Decisions of the Board of Adjustment
- A. Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a time for the hearing and give public notice thereof, as well as notice to the Applicant. At the hearing, the Applicant may appear in person or by agent or attorney and present written or oral evidence. The Board may require the Applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Iowa Department of Natural Resources.
 - B. Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section, Section 32.05.13 of this Code, and all other relevant sections of this chapter and may prescribe such conditions as contained in 32B.09(4)(B)(2).
 - 1) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this chapter and:
 - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept on to other land or downstream to the injury of others.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the City.
 - f. The requirements of the facility for a floodplain location.

- g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - l. Such other factors which are relevant to the purpose of this chapter.
- 2) Conditions Attached to Variances – Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:
- a. Modification of waste disposal and water supply facilities.
 - b. Limitation of periods of use and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
 - e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
5. Appeals to Court – Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

1. A Structure or the use of a Structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
 - A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.
 - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - C. If any nonconforming use or Structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the Structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.
2. Except as provided in Section 32B.10(1)(B), any use which has been permitted as a Variance shall be considered a conforming use.

32B.12 – Penalties for Violation

Violations of the provisions of this chapter or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor and a municipal infraction as otherwise provided for by this Code.

32B.13 – Amendments

The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.”

Section 2. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that provision affected by such decision.

Section 3. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Cedar Rapids Municipal Code and made a part of said Code as provided by law.

Section 5. This Ordinance shall be in full force and effect on May 22, 2024, after its passage and publication as required by law.

Introduced this 12th day of March, 2024.

PASSED_DAY_TAG
LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Finance

Director Contact: Roy Hesemann – r.hesemann@cedar-rapids.org – (319) 521-5752

Presenter at Meeting: Dave Wallace, P.E.

Description of Agenda Item: PUBLIC HEARINGS

Public hearing on the authorization of a Loan and Disbursement Agreement and the issuance of Notes to evidence the obligation of the City and resolution instituting proceedings to take additional action.

CIP/DID #6150071-01

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The City recently applied for and was awarded a forgivable loan from the Iowa Clean Water State Revolving Fund as part of its Bipartisan Infrastructure Law (BIL) Emerging Contaminants funding. This loan will pay for a study being conducted at the Water Pollution Control Facility (WPCF) investigating the occurrence of per- and polyfluoroalkyl substances (PFAS) compounds existing within the influent, effluent, and internal liquid streams and waste solids streams of the WPCF. The study will also investigate options for treating these compounds in a manner that does not allow them to be released into the environment.

Recommended Action: Resolution approval

Alternative: None

Time Sensitivity: High

Resolution Date: March 12, 2024

Budget Information: N/A

Local Preference Policy: Not applicable

Explanation: N/A

Recommended by Council Committee: Not applicable

Explanation: N/A

The City Council of the City of Cedar Rapids, State of Iowa, met in regular session, in the Council Chambers, City Hall, 101 1st Street SE, Cedar Rapids, Iowa, at 12:00 P.M. (NOON), on the date hereof. There were present Mayor Tiffany O'Donnell, in the chair, and the following named Council Members:

Marty Hoeger, David Maier, Scott Olson, Tyler Olson, Scott Overland,
Ann Poe, Dale Todd and Ashley Vanorny.

Absent: _____

* * * * *

The Mayor announced that this was the time and place for the public hearing and meeting on the matter of the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority and the issuance to the Iowa Finance Authority of not to exceed \$3,100,000 Sewer Revenue Capital Loan Notes, of the City of Cedar Rapids, State of Iowa, to evidence the obligations of the City under the said Loan and Disbursement Agreement, in order to provide funds to pay the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer Utility, including those costs associated with sampling and analysis, evaluation and design costs associated with PFAS Study at the WPCF, and that notice of the proposed action by the Council to institute proceedings for the authorization of the Loan and Disbursement Agreement and the issuance of the Notes had been published pursuant to the provisions of Sections 384.24A and 384.83 of the Code of Iowa.

The Mayor then asked the Clerk whether any written objections had been filed by any resident or property owner of the City to the issuance of the Notes. The Clerk advised the Mayor and the Council that ____ written objections had been filed. The Mayor then called for oral objections to the issuance of the Notes and ____ were made. Whereupon, the Mayor declared the time for receiving oral and written objections to be closed.

(Attach here a summary of objections received or made, if any)

Whereupon, the Mayor declared the hearing on the authorization of entering into a Loan and Disbursement Agreement and the issuance of the Notes to be closed.

The Council then considered the proposed action and the extent of objections thereto.

RESOLUTION NO. LEG_NUM_TAG

RESOLUTION INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION
FOR THE AUTHORIZATION OF A LOAN AND DISBURSEMENT AGREEMENT
AND THE ISSUANCE OF NOT TO EXCEED \$3,100,000 SEWER REVENUE
CAPITAL LOAN NOTES

WHEREAS, pursuant to notice published as required by law, the City Council has held a public meeting and hearing upon the proposal to institute proceedings for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority and the issuance to the Iowa Finance Authority of not to exceed \$3,100,000 Sewer Revenue Capital Loan Notes, to evidence the obligations of the City under the said Loan and Disbursement Agreement, in order to provide funds to pay the costs of acquisition, construction, reconstruction, extending, remodeling, improving, repairing and equipping all or part of the Municipal Sewer Utility, including those costs associated with sampling and analysis, evaluation and design costs associated with PFAS Study at the WPCF, and has considered the extent of objections received from residents or property owners as to the proposed issuance of Notes; and accordingly the following action is now considered to be in the best interests of the City and residents thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, STATE OF IOWA:

Section 1. That this Council does hereby institute proceedings and take additional action for the authorization of a Loan and Disbursement Agreement by and between the City and the Iowa Finance Authority and the issuance to the Iowa Finance Authority in the manner required by law of not to exceed \$3,100,000 Sewer Revenue Capital Loan Notes, for the foregoing purposes.

Section 2. That this Council does hereby consent to the terms and conditions of the SRF Loan Program, which terms and conditions and the disclosures provided with respect thereto are hereby acknowledged, accepted and approved.

Section 3. This Resolution shall serve as a declaration of official intent under Treasury Regulation 1.150-2 and shall be maintained on file as a public record of such intent. It is reasonably expected that the sewer fund moneys may be advanced from time to time for capital expenditures which are to be paid from the proceeds of the above Notes. The amounts so advanced shall be reimbursed from the proceeds of the Notes not later than eighteen months after the initial payment of the capital expenditures or eighteen months after the property is placed in service. Such advancements shall not exceed the amount authorized in this Resolution unless the same are for preliminary expenditures or unless another declaration of intention is adopted.

Section 4. That the Clerk, with the assistance of bond counsel, is hereby authorized and directed to proceed with the preparation of such documents and proceedings as shall be necessary to authorize the City's participation in the SRF Loan Program, to select a suitable date for final Council authorization of the required Loan and Disbursement Agreement and issuance of the Note to evidence the City's obligations thereunder, and to take such other actions as the Council shall deem necessary to permit the completion of a loan on a basis favorable to the City and acceptable to this Council.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

CERTIFICATE

STATE OF IOWA

$$\left. \begin{array}{l}) \\) \\) \end{array} \right\} \text{SS}$$

COUNTY OF LINN

I, the undersigned City Clerk of the City of Cedar Rapids, State of Iowa, do hereby certify that attached is a true and complete copy of the portion of the records of the City showing proceedings of the Council, and the same is a true and complete copy of the action taken by the Council with respect to the matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective City offices as indicated therein, that no Council vacancy existed except as may be stated in the proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of the Council hereto affixed this 12th day of March, 2024.

Alissa Van Sloten, City Clerk,
City of Cedar Rapids, State of Iowa

(SEAL)



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Roy Hesemann – r.hesemann@cedar-rapids.org – (319) 521-5752

Presenter at Meeting: Terry Tiedemann

Description of Agenda Item: PUBLIC HEARINGS

A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the J Ave WTP Storm Sewer Improvements project (estimated cost is \$200,000) (Terry Tiedemann).

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the J Ave WTP Storm Sewer Improvements project.
CIP/DID #PUR0224-215; 6250143

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background:

This is to hold a Public Hearing on the J Ave WTP Storm Sewer Improvements project. This project generally consists of the removal and reconstruction of a storm sewer manhole at the J Avenue Water Treatment Plant, 761 J Avenue NE, Cedar Rapids, IA.

Action/Recommendation: Public Hearing

Alternative Recommendation:

Time Sensitivity: Medium

Resolution Date: March 12, 2024

Budget Information: 6250143

Local Preference Policy: No

Explanation: Public Improvement Project

Recommended by Council Committee: No

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, on February 27, 2024 there was filed in the Office of the City Clerk proposed plans, specifications, form of contract and estimated cost for the J Ave WTP Storm Sewer Improvements project (Contract No. PUR0224-215; 6250143) for the City of Cedar Rapids, Iowa, and

WHEREAS, a public hearing was held, and

WHEREAS, no comments or objections to the plans, specifications, form of contract and estimated cost have been heard.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the plans, specifications, form of contract and estimated cost for said improvement be and the same are hereby adopted.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: Jeff Koffron

Description of Agenda Item: PUBLIC HEARINGS

A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the ADA Compliance at McGrath Amphitheater project (estimated cost is \$492,000) (Jeff Koffron).

- a. Resolution adopting plans, specifications, form of contract and estimated cost for the ADA Compliance at McGrath Amphitheater project.
CIP/DID #PUR0224-218; 307305; 18401

Council Priority: Quality of Life Enhancements
EnvisionCR Goal: StrengthenCR Goal 4: Create a city that is affordable and accessible to all members of the community.

Background:

This is to hold a Public Hearing on the ADA Compliance at McGrath Amphitheater project. The Work generally consists of ADA compliance repairs at the McGrath Amphitheater, 475 1st St SW, Cedar Rapids, Iowa for the Facilities Maintenance Services Division.

Action/Recommendation: Public Hearing

Alternative Recommendation:

Time Sensitivity: Medium

Resolution Date: March 12, 2024

Budget Information: 307305

Local Preference Policy: No

Explanation: Public Improvement Project

Recommended by Council Committee: No

Explanation: NA

PUR
FMS
PUR0224-218
307305
18401

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, on February 27, 2024 there was filed in the Office of the City Clerk proposed plans, specifications, form of contract and estimated cost for the ADA Compliance at McGrath Amphitheater project (Contract No. PUR0224-218; 307305; 18401) for the City of Cedar Rapids, Iowa, and

WHEREAS, a public hearing was held, and

WHEREAS, no comments or objections to the plans, specifications, form of contract and estimated cost have been heard.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the plans, specifications, form of contract and estimated cost for said improvement be and the same are hereby adopted.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Community Development

Director Contact: Jennifer Pratt – j.pratt@cedar-rapids.org – (319) 538-2552

Presenter at Meeting: Jeff Wozencraft

Description of Agenda Item: CONSENT AGENDA

Resolution approving Neighborhood Work Plans for eleven Neighborhood Associations for Fiscal Year 2025. **(Council Priority)**

CIP/DID #OB690117

Council Priority: Strengthen and Stabilize Neighborhoods
EnvisionCR Goal: StrengthenCR Goal 2: Improve the quality and identity of neighborhoods and key corridors.

Background: City Council adopted Resolution No. 1322-09-11 on September 27, 2011, establishing the Neighborhood Service Delivery Initiative as a system for coordinating City services through Neighborhood Associations as an approach to better respond to community needs.

Resolution No. 0963-06-13 was adopted on June 11, 2013, adopting the Neighborhood Certification process as a system to improve communications and increase accountability between the City and Neighborhood Associations.

A Neighborhood Association can become certified if a work plan is submitted, the Association President attends regular neighborhood workshops, and the neighborhood submits quarterly reports providing detailed descriptions of:

- 1) Projects underway, completed, and maintained
- 2) Grant activities and outcomes
- 3) Allocation and expenditures of funds and uses of those funds

Certified Neighborhood Associations are eligible for up to \$10,000 in funding for eligible neighborhood activities each fiscal year. Registered neighborhood associations are eligible for up to \$3,000 a year and have less reporting requirements than certified neighborhood associations.

Activities that were paid for and completed last year as part of this initiative include: neighborhood events (Bever Park Bike Parade, Westdale Area Back to School Event, Mound View Fredstock, National Night Outs), meeting support (food, materials), and small capital projects like History Happened Here signs and park improvements.

Staff have received work plans from the following Neighborhood Associations for fiscal year 2024:

1. Bever Park
2. Cedar Valley
3. Cleveland Area

4. Ellis Harbor
5. Kenwood Park
6. Mound View
7. Northwest Neighbors
8. Oak Hill Jackson
9. Taylor Area
10. Wellington Heights
11. Westdale Area

Three associations would be considered Registered Neighborhood Associations:

1. Cherry Hill Park
2. Noelridge Park
3. Vernon Heights

Along with these work plans, the neighborhood associations have submitted a neighborhood work plan budget sheet that shows how each association plans on using funds from the City.

Recommended Action: City staff recommends approval of the resolution.

Alternative: City Council may table and request additional information.

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: Fund 101 Dept ID 115400

Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Yes

Explanation: Reviewed and recommended by City Council Development Committee on February 28, 2024.

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids supports active and vibrant neighborhoods and desires to provide resources to encourage their continued health and development, and

WHEREAS, the City of Cedar Rapids is continuously seeking to improve and cultivate more direct relationships with local neighborhood associations, and

WHEREAS, on September 27, 2011, the City Council adopted Resolution No. 1322-09-11, implementing the Neighborhood Service Delivery Initiative as a system for coordinating city services through neighborhood associations as an approach to better respond to community needs, and

WHEREAS, on June 11, 2013, the City Council adopted Resolution No. 0963-06-13 adopting the neighborhood certification process as a system to improve communications and increase accountability between the City and neighborhood associations, and

WHEREAS, certified neighborhoods are eligible to receive up to \$10,000 for Fiscal Year 2025 to aid in funding approved neighborhood activities on the condition that they:

1. Submit a work plan with priority tasks and identified projects
2. Association President attends regular neighborhood workshops
3. Submit quarterly reports providing
 - Detailed descriptions of projects underway, completed, and maintained
 - Detailed descriptions of grant activities and outcomes
 - Detailed allocation and expenditures of funds and uses of those funds; and

WHEREAS, neighborhood work plans and budgets for Fiscal Year 2025 have been received from Bever Park, Cedar Valley, Cleveland Area, Ellis Harbor, Kenwood Park, Mound View, Northwest Neighbors, Oak Hill Jackson, Taylor Area, Wellington Heights and Westdale Area Neighborhood Associations (work plan summaries attached as Exhibit 1), and

WHEREAS, three neighborhood associations will be considered registered neighborhood associations, making them eligible for \$3,000 in funding, including the, Cherry Hill Park, Noelridge Park, and Vernon Heights neighborhood associations.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City hereby adopts the neighborhood work plans and budgets for the Bever Park, Cedar Valley, Cleveland Area, Ellis Harbor, Kenwood Park, Mound View, Northwest Neighbors, Oak Hill Jackson, Taylor Area, Wellington Heights and Westdale Area Neighborhood Associations for Fiscal Year 2025 and recognizes the following registered neighborhood associations: Cherry Hill Park, Noelridge Park and Vernon Heights.

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MayorSignature

Attest:

ClerkSignature

Exhibit 1

Bever Park

1	Community Building Bike parade, ice cream social, volunteering and supporting Bever Park

Cedar Valley

1	Community Building Block events, organizational operations, National Night Out, and cookie exchange/Halloween event
2	Public Safety Advocacy on public and road safety topics
3	Sustainability Fall plant seedling giveaway and invasives education
4	Miscellaneous events Support elementary schools and support parks

Cleveland Area

1	Beautification & Community Building Neighborhood night out, pancake breakfast, butterfly garden, park and playground improvements
2	Community Education Mobile library literacy lab, health and safety fair, community diversity and arts programming, informational postcard program
3	Partnerships Community events for diversity and inclusion, Coffee w/staff person program, Easter egg hunt, and trunk-or-treat

Ellis Harbor

1	Community Building National Night Out, Chili Cook Off, Family Fun Day, Ellis Fireworks

Kenwood Park	
1	Neighborhood Environment Litter clean up, Publicity/Awareness, Rain Barrel Class, Adopt-a-Street, Little Libraries
2	Community Outreach Chili supper, Pancake Breakfast, Ice Cream Social, Welcome Packets, Trunk or Treat
3	Neighborhood Engagement/Identity Signage (neighborhood signs), Newsletter/Awareness, Neighborhood History Plaques, Community Garden, Box Tops for Education, Kenwood Pillar Preservation
4	Community Support Food Distribution Boxes, Support Local Schools

Mound View	
1	Communication & Education Newsletters, website, facebook, and meetings
2	Community Building Support block parties, meet & greets, Fredstock, brochures, and business cards
3	Community Garden Insurance, seeds, materials, and mulch
4	Community Support Provide in-kind or financial support where needed, House Tour w/SaveCR Heritage, mural, and tool library
5	History Happened Here Identify sites, create signage, and develop walking tours

NW Neighbors	
1	Shakespeare Garden Revitalize part of Ellis Park
2	Historic Preservation Grow History Happened Here program and add historical markers
3	Community Events CR Chamber Music Festival, National Night Out
4	Operations Website development

Oak Hill Jackson

1	Education No-mow lawns, corner store site visit, postcard mailings, social media, and e-newsletter
2	Advocacy School supplies, holiday gifts, pedestrian and bike safety awareness, litter walks, and renter's rights
3	Community Building Bender Pool outing, National Night Out, trunk-or-treat, block party, walking tour, and movie nights

Taylor Area

1	Community Building Neighborhood picnic, skatepark event, monthly meetings, and engaging businesses and landlords
2	Climate Action/Sustainability Support sustainability projects (gardens, energy conservation, etc)
3	Aesthetic Improvements Support M25 Transform projects and community mural

Wellington Heights

1	Partnerships Connect with new organizations and neighbors
2	Neighborhood Branding Art in the Park
3	Resource Support Spay/neuter campaign

Westdale Area

1	Community Building Back to school event
2	Aesthetic Improvements Neighborhood cleanup

Registered Associations – eligible for \$3,000 in funding

- Cherry Hill Park Neighborhood Association
- Noelridge Park Neighborhood Association
- Vernon Heights Neighborhood Association



Council Agenda Item Cover Sheet

Submitting Department: City Manager

Presenter at Meeting: Caleb Mason

E-mail Address: c.mason@cedar-rapids.org

Phone Number/Ext.: (319) 521-7678

Description of Agenda Item: CONSENT AGENDA

Resolution of support authorizing sponsorship of a Business Financial Assistance Application from Danisco US Inc., a subsidiary of International Flavors & Fragrances, for State funds through the High-Quality Jobs Program for a plant expansion at 1000 41st Avenue Drive SW. CIP/DID #HQJP-0004-2021

EnvisionCR Element/Goal: InvestCR Goal 4: Grow a sustainable, diverse economy by supporting businesses, fostering entrepreneurship, and targeting industry-specific growth.

Background: The Resolution authorizes the City's sponsorship of an application for State tax credits for a proposed expansion project for the Danisco US Inc. plant at 1000 41st Ave Dr SW. Danisco US Inc., a subsidiary of International Flavors & Fragrances (IFF), is applying for State tax credits through the High-Quality Jobs Programs, which requires the City's sponsorship. Typically, the City would provide local match funds, through either a rebate or tax abatement to support the project as required by the HQJ Program. However, based on the scope of the project – consisting primarily of machinery and equipment – the taxable value is not expected to increase sufficiently to trigger a tax abatement on the improvements. The Urban Revitalization statute requires an increase of 15% on existing improvements to trigger the abatement. The following is a summary of the project:

- + \$22.2 million capital investment
- + Project: Construction of a new 9,000 square foot metal building for steam generation
- + Creation of 2 new jobs, all above the HQJ wage rate
- + The IEDA Board will consider the HQJ application from the company on March 22, 2024, with city sponsorship required as part of the application.
- + Financial Incentives-427B Industrial Exemption
 - o Project is expected to generate an estimated \$124,000 in new taxes over 5 years, with \$55,000 being exempted.

Action/Recommendation: City staff recommends approval of resolution.

Alternative Recommendation: City Council may table and request additional information.

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: NA

Local Preference Policy: NA

Recommended by Council Committee: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids ("City") has received a request from Danisco US Inc., a subsidiary of International Flavors & Fragrances, (collectively "Danisco") of its intent to submit a Business Financial Assistance Application to the Iowa Economic Development Authority ("IEDA") for State tax credits under the High Quality Jobs Program ("HQJP") for a plant expansion project at its existing industrial processing facility at 1000 41st Avenue Drive SW; and

WHEREAS, the following is a summary of the proposed project (the "Project"):

- + Improvements – Construction of a new 9,000 square foot pre-engineered metal building to allocate steam generation on the property
- + \$22.2 million capital investment
- + Creation of 2 new jobs, all above the HQJ wage rate

WHEREAS, pursuant to Ordinance No. 081-05 and Resolution No. 2320-11-05, the City Council approved the Genencor International Urban Revitalization Area and Plan, pursuant to Chapter 404 of the Code of Iowa ("Urban Revitalization"), which provides an approval a mechanism for an exemption of value for improvements to the real property, provided the increase in value for an expansion increases value of existing improvements by no less than 15%; and

WHEREAS, based upon the City of Cedar Rapids Assessor's review of the proposed improvements, Project is not expected to increase the assessed value of the required by the Urban Revitalization Statute to trigger an exemption of value; and

WHEREAS, the City has adopted enabling legislation as provided for under Chapter 427B of the Iowa Code ("Industrial Property Tax Exemption") which allows for a partial exemption of value added to industrial real property; and

WHEREAS, based on the proposed improvements, the estimated total taxes anticipated to be exempted pursuant to the Industrial Property Tax Exemption is \$55,000; and

WHEREAS, the HQJP requires local financial match to the State funds, and the estimated Property Tax Exemption shall serve as the local match; and

WHEREAS, the City Council has determined that the proposed Project aligns with the City's economic development strategy by leveraging investment in an identified industry cluster, and will result in the creation of new jobs; and

WHEREAS, based on the foregoing, the City Council has determined to authorize its support of and sponsorship of the Business Financial Application on behalf of Danisco for the proposed Project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cedar Rapids, Iowa that the Business Financial Assistance Application on behalf of Danisco is hereby approved, and the City Manager is authorized to execute the same and to execute a contract for the HQJP on behalf of the City if so required.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: City Manager

Director Contact: Bill Micheel – w.micheel@cedar-rapids.org – (319) 286-5725

Presenter at Meeting: Scott Mather

Description of Agenda Item: CONSENT AGENDA

Resolution authorizing sponsorship of a Business Financial Assistance application with Heaviside LLC for state incentives for the construction of one or more data centers along 76th Ave SW and Edgewood Road SW in the Big Cedar Industrial Center (Scott Mather). CIP/DID#HQP-0006-2024

Council Priority: Business-Friendly

EnvisionCR Goal: InvestCR Goal 1: Expand economic development efforts to support business and workforce growth, market Cedar Rapids, and engage regional partners.

Background: On February 27, 2024, City Council held a public hearing and authorized the development agreement with Heaviside LLC ("Company") for a data center project along 76th Ave SW and Edgewood Road SW in the Big Cedar Industrial Center. This project qualifies for city incentives under the Above Standard Economic Development Program, which authorizes the City's sponsorship of the company's application for State financial incentives under the High-Quality Jobs program.

The following is a summary of the initial project:

- + Minimum Investment-\$576 million capital investment
- + Project-Construction of one or more data centers
- + Construction Timeline-Commencement within three years of development agreement effective date
- + Employment-Creation of at least 31 new full-time employees at or above the high-quality wage rate
- + Financial Incentives
 - o 20-year, 70% tax exemption (available through State HQJ Program) subject to meeting employment thresholds and approved HQJ application, which is estimated to generate \$81 million in total taxes, with \$56 million being exempted.

Recommended Action: City staff recommends approving the Resolution

Alternative: NA

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: NA

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City has received a request from Heaviside LLC (the “Company”) for the City to sponsor an application for state incentives through the High-Quality Jobs Program (the “State Program”), in connection with the construction of one or more data centers which will result in the creation of new jobs; and

WHEREAS, sponsorship of an application for the State Program requires the sponsoring municipality to demonstrate financial incentives at the local level as well; and

WHEREAS, On February 27, 2024, City Council authorized the development agreement with Heaviside LLC under resolution 0226-02-24, which included approval of the tax incentive terms of a 20-year, 70% abatement of the increased tax increment, estimated at \$56 million, and subject to meeting the employment threshold (“Development Agreement”); and

WHEREAS, the following is a summary of the proposed project as set forth in the Development Agreement (the “Project”):

- + \$576 million capital investment
- + Construction of one or more data centers
- + Creation of at least 31 new full-time jobs at or above the HQJ wage rate

WHEREAS, the Development Agreement represents the City’s financial incentives under the City’s Above Standard – Economic Development Program (the “City Program”); and

WHEREAS, the City Council adopted the City Program to support activities which promote and facilitate economic development objectives of the City, including the expansion of the City’s tax base and the creation and retention of new jobs; and

WHEREAS, the City Program provides financial incentives to projects which qualify within a standalone program of the City, in this case the High Quality Jobs program, but which justify additional financial incentives above the standard incentive; and

WHEREAS, considering factors including but not limited to: the Company’s overall capital expenditure compared to the proposed City Incentives, the level of created and retained jobs, and the induced economic effects of the proposed Project, the City Council has determined that the proposed Project is eligible for the level of financial incentives, as provided for herein, under the City Program; and

WHEREAS, the City wishes to sponsor the Company’s application for state incentives for the Project through the State Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

1. The application for Business Financial Assistance Application for the State High Quality Jobs Program is hereby approved, and the City Manager is authorized to execute the application, contract, and any related documents, as necessary and required by the State Program.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City has negotiated a wage increase letter of agreement for fiscal years 2025 and 2026 with the American Federation of State, County, Municipal Employees (AFSCME) Local 620, as bargaining agent certified by the Public Employees Relations Board for certain employees of the City of Cedar Rapids, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is hereby authorized and directed to sign the Letter of Agreement with the American Federation of State, County, Municipal Employees (AFSCME) Local 620 effective July 1, 2024 to June 30, 2026.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City has negotiated a wage increase letter of agreement for fiscal years 2025 and 2026 with the American Federation of State, County, Municipal Employees (AFSCME) Local 620, as bargaining agent certified by the Public Employees Relations Board for certain employees of the City of Cedar Rapids, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is hereby authorized and directed to sign the Letter of Agreement with the American Federation of State, County, Municipal Employees (AFSCME) Local 620 effective July 1, 2024 to June 30, 2026.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Civil Rights

Director Contact: Stefanie Munsterman – s.munsterman@cedar-rapids.org – (319) 286-5123

Presenter at Meeting: Stefanie Munsterman

Description of Agenda Item: CONSENT AGENDA

Resolution authorizing Stefanie Munsterman, Executive Director of the Cedar Rapids Civil Rights Commission, to attend the National League of Cities Conference in Washington, DC for estimated trip costs of \$3,700.00. The trip cost will be funded from the United States Department of Housing and Urban Development Fair Housing Assistance Program fund.

CIP/DID #CVR-2024-03SMBTR

Council Priority: Clean and Safe City
EnvisionCR Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: The City of Cedar Rapids travel policy requires any travel expenses with an estimated travel cost of \$3,000 or more to be approved by the City Council.

The estimated travel cost for Stefanie Munsterman, Cedar Rapids Civil Rights Commission Executive Director, to attend the National League of Cities Conference in Washington, D.C. in March 2024 is an estimated amount of \$3,700.

The justification for attendance at the Conference is to provide continued training to support Ms. Munsterman's role as Executive Director for the Cedar Rapids Civil Rights Commission and expand on her knowledge base in her role. This training will allow for quality service to be provided to City employees and residents in the areas of diversity, inclusion, and equity.

Recommended Action: The Civil Rights Commission recommends City Council approve the Business Travel Report for Stefanie Munsterman, Cedar Rapids Civil Rights Commission Executive Director, to attend the National League of Cities Conference.

Alternative: N/A

Time Sensitivity: N/A

Resolution Date: March 12, 2024

Budget Information: To be funded from the Civil Rights Commission fiscal year 2024 budget.

Local Preference Policy: Not applicable

Explanation: Travel



Recommended by Council Committee: No

Explanation: N/A

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the Cedar Rapids Civil Rights Commission recommends Stefanie Munsterman, Executive Director of Cedar Rapids Civil Rights Commission, be authorized to attend the National League of Cities Conference in Washington, DC in March 2024, and

WHEREAS, the estimated costs are \$3,700, and

WHEREAS, the trip cost will be funded from the United States Department of Housing and Urban Development Fair Housing Assistance Program fund, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, the Business Travel Report submitted by Stefanie Munsterman, Executive Director of the Cedar Rapids Civil Rights Commission, be approved for her to attend the National League of Cities Conference in Washington, DC in March 2024 for an estimated amount of \$3,700.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Fire

Director Contact: Chief Greg Smith – g.smith@cedar-rapids.org – (319) 431-3807

Presenter at Meeting: (Chief Greg Smith)

Description of Agenda Item: CONSENT AGENDA

Resolution authorizing one Cedar Rapids Fire Department employee to attend Administrator Training ESO in Austin, TX in April 2024 for \$3549.

CIP/DID #FIR0224-1234

Council Priority: Not applicable
EnvisionCR Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: The City of Cedar Rapids travel policy requires any travel expenses with a cost of \$3,000 or more to be approved by City Council. The travel costs for the Administrator Training ESO training exceeds the amount of \$3,000 and is hereby brought to City Council for their approval. The training provides necessary skills and certification to function in the event of an emergency.

Recommended Action: Approval

Alternative: NA

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: 542102-101-131600

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA,
that one Cedar Rapids Fire Department employee is authorized to attend Administrator Training
ESO in Austin, TX in April, 2024 in the amount of \$3549.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Police

Director Contact: Chief Dave Dostal – d.dostal@cedar-rapids.org – (319) 286-5374

Presenter at Meeting: Deputy Chief Tom Jonker

Description of Agenda Item: CONSENT AGENDA

Resolution authorizing Police Chief Dave Dostal to travel to Benchmark Cities Summit and International Association of Chiefs of Police Division Midyear Conferences in San Antonio, TX to reflect the estimated trip cost not to exceed \$3,500.00.

CIP/DID PD0071

Council Priority: Not applicable
EnvisionCR Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: The City of Cedar Rapids travel policy requires any travel expenses with a cost of \$3,000 or more to be approved by City Council. The final travel costs exceed the amount of \$3,000, and is being brought to City Council for their approval.

Recommended Action: Police Department requests approval for estimated costs of Police Chief Dave Dostal to travel to Benchmark Cities Summit and International Association of Chiefs of Police Division Midyear Conferences in San Antonio, TX from March 12-16, 2024.

Alternative: N/A

Time Sensitivity: N/A

Resolution Date: March 12, 2024

Budget Information: 542102-101-132101

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Police Chief Dave Dostal is authorized to attend Benchmark Cities Summit and International Association of Chiefs of Police Division Midyear Conferences in San Antonio, TX from March 12-16, 2024 for an estimated amount not to exceed \$3,500.00.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Police

Director Contact: Chief Dave Dostal – d.dostal@cedar-rapids.org – (319) 286-5374

Presenter at Meeting: Deputy Chief Tom Jonker

Description of Agenda Item: CONSENT AGENDA

Resolution authorizing Police Lieutenant Michelle Omar to travel to Benchmark Cities Summit and International Association of Chiefs of Police Division Midyear Conferences in San Antonio, TX to reflect the estimated trip cost not to exceed \$3,500.00.

CIP/DID PD0072

Council Priority: Not applicable
EnvisionCR Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: The City of Cedar Rapids travel policy requires any travel expenses with a cost of \$3,000 or more to be approved by City Council. The final travel costs exceed the amount of \$3,000, and is being brought to City Council for their approval.

Recommended Action: Police Department requests approval for estimated costs of mandatory training required of Police Lieutenant Michelle Omar to travel to Benchmark Cities Summit and International Association of Chiefs of Police Division Midyear Conferences in San Antonio, TX from March 12-16, 2024.

Alternative: N/A

Time Sensitivity: N/A

Resolution Date: March 12, 2024

Budget Information: 542102-101-132101

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Police Lieutenant Michelle Omar is authorized to attend Benchmark Cities Summit and International Association of Chiefs of Police Division Midyear Conferences in San Antonio, TX from March 12-16, 2024 for an estimated amount not to exceed \$3,500.00.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Police

Director Contact: Chief Dave Dostal – d.dostal@cedar-rapids.org – (319) 286-5374

Presenter at Meeting: Chief Dave Dostal

Description of Agenda Item: CONSENT AGENDA

Resolution authorizing Police Officer Renee Dunkelberger to travel to Crash Investigations 2 Training in Naperville, IL to attend mandatory training to reflect the estimated trip cost not to exceed \$4,500.00. CIP/DID PD0065

Council Priority: Not applicable
EnvisionCR Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: The City of Cedar Rapids travel policy requires any travel expenses with a cost of \$3,000 or more to be approved by City Council. The final travel costs exceed the amount of \$3,000, and is being brought to City Council for their approval.

Recommended Action: Police Department requests approval for estimated costs of mandatory training required of Police Officer Renee Dunkelberger to travel to Crash Investigations 2 Training in Naperville, IL from March 17-29, 2024.

Alternative: N/A

Time Sensitivity: N/A

Resolution Date: March 12, 2024

Budget Information: 542102-101-132502

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Police Officer Renee Dunkelberger is authorized to attend Crash Investigations 2 Training in Naperville, IL from March 17-29, 2024 for a estimated amount not to exceed \$4,500.00.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Finance

Director Contact: Abhi Deshpande – a.deshpande@cedar-rapids.org – (319) 286-5097

Presenter at Meeting: Heidi Stiffler

Description of Agenda Item: Motions setting public hearings

Motion setting a public hearing for March 26, 2024 to consider fiscal year 2025 proposed property tax amount and property tax levy.

CIP/DID #FIN2024-11

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The City is required to hold a public hearing for the proposed property tax amount and property tax levy for the fiscal year 2025 budget. The notices are to be published no less than ten (10) or no more than twenty (20) days before the date of the said hearing. Before the fiscal year 2025 annual budget can be distributed, a public hearing for the proposed property tax amount and property tax levy must be held for public comment.

Recommended Action: Set the public hearing.

Alternative: N/A

Time Sensitivity: This public hearing must be held prior to proceeding with the public hearing and adoption of the fiscal year 2025 budget.

Resolution Date: A resolution is not required.

Budget Information: N/A

Local Preference Policy: Not applicable

Explanation: N/A

Recommended by Council Committee: Not applicable

Explanation: N/A



Council Agenda Item Cover Sheet

Submitting Department: CD - Housing
Director Contact: Jennifer Pratt – j.pratt@cedar-rapids.org – (319) 538-2552

Presenter at Meeting: Sara Buck

Description of Agenda Item: Motions setting public hearings
 March 26, 2024 – to consider amendments to the Section 8 Housing Choice Voucher (HCV) Program
 Public Housing Agency (PHA) Annual Plan and Administrative Plan (**Council Priority**)
CIP/DID #OB363680

Council Priority: Affordable Housing
EnvisionCR Goal: StrengthenCR Goal 4: Create a city that is affordable and accessible to all members of the community.

Background: The Community Development Housing Services Division administers the Section 8 Housing Choice Voucher (HCV) Program as the Public Housing Agency (PHA) of Linn and Benton Counties. The program is federally funded by the U.S. Department of Housing & Urban Development (HUD) and is designed to accommodate very low-income families and individuals with rental assistance for decent, safe, and sanitary housing, provided by private owners and rental agents. On average, the program assists 1,100 families with rent assistance per year.

Annually, HUD requires Public Housing Agencies to amend Administrative Plans to ensure consistency with current Federal, State, and local regulations. In addition, discretionary amendments are proposed to address emerging issues or enhance service delivery. These amendments must be submitted to HUD, as part of the PHA Annual Plan.

Proposed Changes:

Discretionary Changes

- Update waiting list preferences to allow for the following additional preferences to remain open and accept applicants with the highest needs annually, as budget allows:
 - o Individuals experiencing homelessness – 30 per year
 - o Foster Youth that have aged out of foster care – 15 per year
 - o Refugee households that have fully utilized their resettlement assistance – 10 per year

Regulatory Changes

- Update policies to reflect the Housing Opportunity Through Modernization Act (HOTMA) which primarily changes the way that household income and assets are calculated.
- Annual update to the Family Self-Sufficiency Admissions and Continued Occupancy (ACOP) Plan

The proposed changes are available on the City’s website or by request through the Housing Services office through March 25, 2024. These plans are due to HUD no later than April 17, 2024.

Recommended Action: City staff recommend holding the public hearing.

Alternative: Table the resolution and request additional information.

Time Sensitivity: Plans are due to HUD no later than April 17, 2024.

Resolution Date: N/A

Budget Information: N/A

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:



Council Agenda Item Cover Sheet

Submitting Department: Development Services

Director Contact: Bill Micheel – w.micheel@cedar-rapids.org – (319) 286-5725

Presenter at Meeting: Bill Micheel

Description of Agenda Item: Motions setting public hearings

A public hearing will be held on March 26, 2024 to consider a change of zone for property located at 1630 1st Ave NE from T-MC, Traditional-Mixed Use Center district, to U-NG, Urban-Neighborhood General district, as requested by BCMT, LLC and described as follows:.

CIP/DID #RZNE-000184-2024

Council Priority: Business-Friendly
EnvisionCR Goal: GrowCR Goal 2: Manage Growth.

Background: This request was reviewed by the City Planning Commission on March 7, 2024. The recommendation of the City Planning Commission will be brought to the public hearing on March 26.

The applicant is requesting a change of zone for a residential property at 1630 1st Ave NE to make the historic use of the property as a multi-unit residential structure conforming. A Public Hearing to allow for public input and the First Reading of the Ordinance will be held on March 26, 2024. Two additional readings of the Ordinance by the City Council are required by State law before approval of the rezoning is final.

Recommended Action: City Development Services staff recommend adoption of the motion setting the public hearing.

Alternative: City Council may table this item and request further information.

Time Sensitivity: NA

Resolution Date: NA

Budget Information: NA

Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Not applicable

Explanation: NA

Site Map





Council Agenda Item Cover Sheet

Submitting Department: Transit
Director Contact: Angie Charipar – a.charipar@cedar-rapids.org – (319) 286-5090

Presenter at Meeting: Brad DeBrower

Description of Agenda Item: Motions setting public hearings
 a. May 14, 2024 – to consider submittal of the FY25 Consolidated Transit Funding Application to the Iowa Department of Transportation for federal and state transit funding assistance.
CIP/DID #TRN2024-03

Council Priority: Not applicable
EnvisionCR Goal: ConnectCR Goal 1: Provide choices for all transportation users: inter- and intra-city.

Background: The Consolidated Transit Funding Application incorporates the necessary elements to apply for federal and state transit funding assistance through the Iowa DOT. The application occurs on an annual basis and a public hearing is required for each application. The public hearing will cover projects for which federal or state transit funding is being requested, including formula and discretionary funds for operating or capital projects.

Recommended Action: The Transit Division recommends setting the public hearing.

Alternative: NA

Time Sensitivity: The funding application is due to the Iowa DOT by May 31st.

Resolution Date: May 14, 2024

Budget Information: The funding assistance in the application is included in the FY25 budget.

Local Preference Policy: Not applicable
Explanation: NA

Recommended by Council Committee: Not applicable
Explanation: NA



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Motions filing plans and specifications

Motion setting public hearing date for March 26, 2024 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 on April 3, 2024 for the 4th Street SE from 1st Avenue E to 5th Avenue SE East Central Quiet Zone Improvements project (estimated cost is \$510,000).

CIP/DID #306299-04 (**Council Priority**)

Council Priority: Quality of Life Enhancements
EnvisionCR Goal: StrengthenCR Goal 2: Improve the quality and identity of neighborhoods and key corridors.

Background: This project consists of reconstruction of roadway and railroad crossing approaches, storm sewer, sidewalks, and pedestrian ramps. New signage and pavement markings will also be installed. Coordination with Union Pacific Railroad's (UPRR) new railroad crossing gates and flashers at these crossings is included.

This work is within "Phase A" of the City's quiet zone implementation. An upcoming and related project with Canadian National Railroad (CN) will occur for Stickle Drive NE, also within Phase A, just north of Downtown.

Recommended Action: The Public Works Department recommends approval of the Motion filing plans, specifications, form of contract, estimated costs, setting a public hearing date for March 26, 2024 and advertising for bids by posting notice to bidders for the project.

Alternative: Do not file plans and defer the project schedule.

Time Sensitivity: Normal

Resolution Date: March 26, 2024

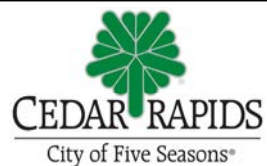
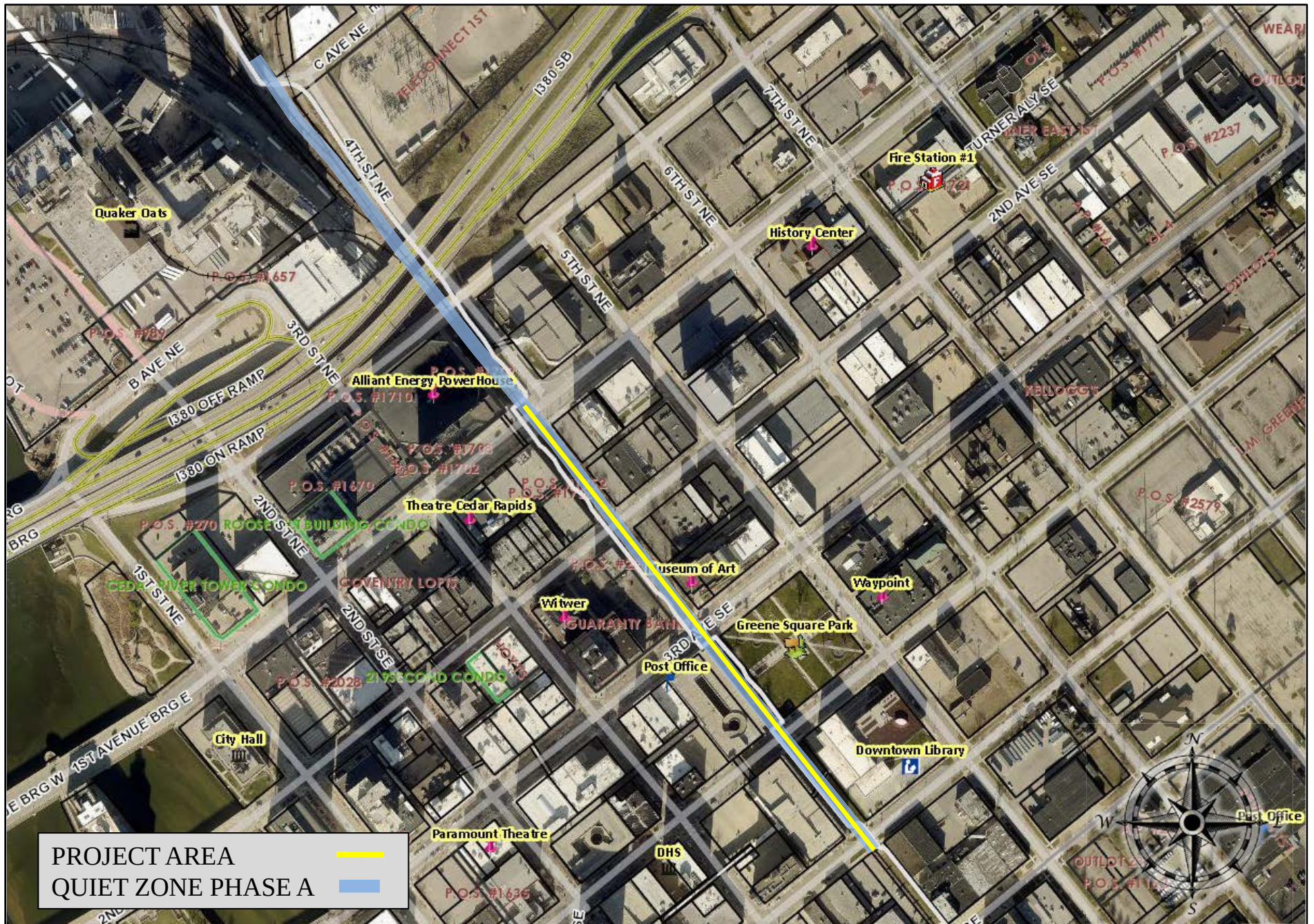
Budget Information: 306/306000/306299, NA

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA



4th Street SE from 1st Avenue E to 5th Avenue SE East Central Quiet Zone Improvements



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Roy Hesemann – r.hesemann@cedar-rapids.org – (319) 521-5752

Presenter at Meeting: Brandon Jennings

Description of Agenda Item: Motions filing plans and specifications

March 26, 2024 – 2024 On Call Concrete Repairs project (estimated cost is \$125,000).

CIP/DID #PUR1123-141; 2024009-01

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The work generally consists of on-call services for replacement of concrete streets, curbs, driveways, and sidewalks at locations of any customers directly served by the City of Cedar Rapids Utilities – Water Division, as well as replacement of driveways and sidewalks at ten pre-determined sites for the City of Cedar Rapids Utilities – Solid Waste Division and City of Cedar Rapids Utilities – Water Pollution Control Facility. Work includes, but is not limited to, pavement removal, sub-base preparation, grading, concrete formwork, placement of portland cement concrete and hot mix asphalt, provide traffic control, restore the surface, and final clean-up at work sites. The Engineer's estimate of probable cost is \$125,000. Bid opening is March 27, 2024.

Recommended Action: Set the public hearing.



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: Jason Stancliffe

Description of Agenda Item: Motions filing plans and specifications

March 26, 2024 - Replace North Elevator in City Hall (estimated cost is \$265,000).

CIP/DID PUR0224-198; 3604038

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The Work consists of Replace North Elevator in City Hall. Bid Opening is scheduled for Wednesday, March 27, 2024 at 11:00am CDT. The estimated completion date is August 31, 2024, at an estimated cost of \$265,000.

Action/Recommendation: Set the public hearing.



Council Agenda Item Cover Sheet

Submitting Department: City Clerk
Director Contact: Chief Dave Dostal – d.dostal@cedar-rapids.org – (319) 286-5374

Presenter at Meeting: (Lt. Jeremy Paulsen)

Description of Agenda Item: CONSENT AGENDA

- a. Casey’s General Store #2765, 5050 Northland Avenue NE.
- b. Casey’s General Store #2768, 1201 1st Avenue SE.
- c. Casey’s General Store #2776, 701 Ellis Boulevard NW.
- d. Casey’s General Store #2782, 1495 Blairs Ferry Road NE.
- e. Casey’s General Store #2790, 588 Boyson Road NE.
- f. Cedar Rapids Kernels, 950 Rockford Road SW.
- g. Cultivate Hope Corner Store, 604 Ellis Boulevard NW.
- h. Dancers Ranch, 3000 6th Street SW.
- i. Dollar General #21527, 6905 C Avenue NE.
- j. Emil’s Hideaway, 222 Glenbrook Drive SE.
- k. Fat Wally’s, 429 2nd Avenue SE.
- l. HuHot Mongolian Grill, 4444 1st Avenue NE, Suite 560.
- m. Hy-Vee Fast and Fresh #7, 3935 Blairs Ferry Road NE.
- n. Kum & Go #517, 3132 1st Avenue NE.
- o. Lucita’s Diner, 1100 1st Street SW.
- p. Mt Vernon Discount Market LLC, 3102 Mount Vernon Road SE.
- q. Parlor City Pub & Eatery, 1125 3rd Street SE.
- r. The Red Frog, 88 16th Avenue SW.
- s. Shack Tavern, 2545 Old River Road SW (new - formerly Mac’s Shack).
- t. Tic Toc, 600 17th Street NE.

CIP/DID #OB1145716

Council Priority: Not applicable
EnvisionCR Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: Per State Code, the local authority must provide approval prior to the State issuing the alcohol licenses to the applicants.

Recommended Action: Approve applications as submitted.

Alternative:

Time Sensitivity:

Resolution Date:

Budget Information:

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:



Cedar Rapids Police Department Memorandum

To: Chief Dostal

From: Lt. Paulsen

Subject: Beer/Liquor License Applications Calls for Service Summary

Date: 3/12/2024

Business Name/Address	Total	Public	Intox	Disturbances
Casey's General Store #2765 5050 NORTHLAND AVE NE	53	0	0	5
Casey's General Store #2768 1201 1ST AVE SE	111	0	0	18
Casey's General Store #2776 701 ELLIS BLVD NW	80	0	0	11
Casey's General Store #2782 1495 BLAIRS FERRY RD NE	21	0	0	1
Casey's General Store #2790 588 BOYSON RD NE	45	1	0	5
Cedar Rapids Kernels 950 ROCKFORD RD SW	47	0	0	0
Cultivate Hope Corner Store 604 ELLIS BLVD NW	0	0	0	0
Dancers Ranch 3000 6TH ST SW	21	0	0	4
Dollar General #21527 6905 C AVE NE	4	0	0	1
Emil's Hideaway 222 GLENBROOK DR SE	6	0	0	1
Fat Wally's 429 2ND AVE SE	7	0	0	1
HuHot Mongolian Grill 4444 1ST AVE NE	4	0	0	1

Hy-Vee Fast and Fresh #7 3935 BLAIRS FERRY RD NE	14	0	0	1
Kum & Go #517 3132 1ST AVE NE	151	0	2	24
Lucita's Diner 1100 1ST ST SW	2	0	0	0
Mt Vernon Discount Market LLC 3102 MT VERNON RD SE	3	0	0	0
Parlor City Pub & Eatery 1125 3RD ST SE	9	0	0	1
The Red Frog 88 16TH AVE SW	13	1	0	3
Shack Tavern 2545 OLD RIVER RD SW	15	0	0	1
Tic Toc 600 17TH ST NE	19	0	0	6



Council Agenda Item Cover Sheet

Submitting Department: Finance

Director Contact: Abhi Deshpande – a.deshpande@cedar-rapids.org – (319) 286-5097

Presenter at Meeting: Abhi Deshpande

Description of Agenda Item: Bills, payroll and funds

Resolutions approving:

a. Payment of bills.

b. Payroll.

CIP/DID # FIN2024-01, FIN2024-02

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The bi-weekly listings of bills and payrolls have been examined and approved by the proper departments.

Recommended Action: Authorize the Finance Department to issue payments and payroll checks and transfer funds as per the resolution listings.

Alternative: NA

Time Sensitivity: Normal

Resolution Date: 03/12/2024

Budget Information: NA

Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Not applicable

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the attached listing of bills dated the 12 day of March, 2024, has been examined and approved by the proper departments,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City of Cedar Rapids Finance Director be and is hereby authorized and directed to draw checks on the City Treasurer in favor of the holders thereof and for the various amounts and that the money necessary for payment of the same is hereby appropriated from the different funds.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the following payrolls have been examined and approved by the proper departments, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City of Cedar Rapids Finance Director be and is hereby authorized and directed to issue checks in favor of the holders thereof and for various amounts and that the money necessary for payment of the same is hereby appropriated from the different funds.

Department	Total	Department	Total
Animal Control		Human Resources	
Aquatics Operation		Information Technology	
Attorney		Joint Communications	
Building Services Division		Parks and Rec Directors	
CD – Federal Programs		Parks Operations	
CR Public Library		Library Grants	
City Manager		Police	
Civil Rights		Public Works	
Clerk		PW – Engineering	
Comm Develop – DOD		Purchasing Services	
Council		Recreation	
Development Services		Right of Way	
Facilities Maint Service		Sewer Operations	
Finance		Street Operations	
Finance – Analysts		Traffic Engineering	
Financial Operations		Transit	
Fire		Utilities	
Five Seasons Parking		Utilities - Solid Waste	
Fleet Maintenance		Veterans Memorial	
Forestry		Water Operations	
Golf Operations		Water Pollution Control	
		Grand Total	\$

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:



Council Agenda Item Cover Sheet

Submitting Department: Solid Waste and Recycling

Director Contact: Roy Hesemann; r.hesemann@cedar-rapids.org 319-521-5752

Presenter at Meeting: Patricia Hall

Description of Agenda Item: CONSENT AGENDA

1. Resolutions approving assessment actions:

Intent to assess – Solid Waste and Recycling – cleanup costs – nine properties. **(Council Priority/Clean and Safe City)**

CIP/DID #SWM-005-24

Council Priority: Clean and Safe City
EnvisionCR Element/Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: The Solid Waste and Recycling Division is responsible for abating garbage nuisances on public and private property. Under normal circumstances property owners receive a "Notice of Abatement" letter which allows them seven (7) days to correct the problem identified in the letter and its attachments. If a property owner fails to abate the nuisance, the Solid Waste and Recycling Division abates the nuisance and issues an invoices for services rendered.

Property owners have 30 days to pay their invoice. Failure to pay the invoice results in a "Intent to Assess" action against the property being prepared by the Solid Waste and Recycling Division and presented to City Council in the form of a Resolution.

Following the approval of the Intent to Assess Resolution, the property owner receives another mailing, which includes all the original documentation and a copy of the Intent to Assess Resolution. The property owner then has an additional 30 day period to pay their invoice. Failure to pay the outstanding invoice following the second 30 day period results in a "Levy Assessment" action against the property being prepared by the Solid Waste and Recycling Division and presented to City Council in the form of a Resolution.

Following approval of the "Special Assessment" Resolution, the nuisance abatement information is turned over to the Linn County Treasurer and the outstanding payment is levied against the property owner's taxes for collection.

Action/Recommendation: The Solid Waste and Recycling Division recommends that the Resolution for the Intent to Assess be approved.

Alternative Recommendation: The City Council could decide not to assess.

Time Sensitivity:

Resolution Date: 3/12/2024

Budget Information:

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: No

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City Council of the City of Cedar Rapids, Iowa, has heretofore passed a Resolution to assess property for the following:

NUISANCE ABATEMENTS

WHEREAS, the property owner has failed to pay the required invoice(s) sent out for costs associated with the nuisance abatement within the prescribed time period noted on the City invoice, and

WHEREAS, the City of Cedar Rapids may assess the cost of nuisance abatements against the property for failure to pay invoices, and,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the intent to assess against the property and for the amounts shown on the attached listing, will be made by the City Council after 30 days of the date passed, and notice was given by mailing to the owners of the described and enumerated tracts, a notice of this proposed assessment, stating the amount of the assessment and the description of the property, and on what account, and that objections to said proposed assessment may be filed prior to 3:30 pm, April 10, 2024.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

INTENT TO ASSESS 3/12/2024

			INTENT TO ASSESS 3.127/2024
#	Balance Due	District #	Premise Address
1	424.00	5	645 16 th Ave SW
2	214.00	3	1804 Park Ave SE
3	358.00	3	1618 2 nd Ave SE
4	178.00	4	819 15 th Ave SW
5	196.00	4	823 15 th Ave SW
6	190.00	4	4975 Kesler Rd NW
7	669.04	3	1623 C Ave NE
8	233.00	4	900 C Ave NW
9	969.04	4	1117 10 th St NW
	\$3,431.08		Grand Total
	9		Number of Properties



Council Agenda Item Cover Sheet

Submitting Department: Solid Waste and Recycling

Director Contact: Roy Hesemann r.hesemann@cedar-rapids.org 319-521-5752

Presenter at Meeting: Patricia Hall

Description of Agenda Item: Intent and levy assessments

Resolutions approving assessment actions:

- a. Levy Assessment – Solid Waste and Recycling – cleanup costs – nine properties.

Authorize the Solid Waste & Recycling Division to Levy Assessments (to lien various properties for delinquent nuisance abatements). **(Council Priority/Clean and Safe City)**

(Note: The Intent to Assess Resolution was approved at the Council Meeting on January 23, 2024).

CIP/DID #SWM—002-24

Council Priority: Clean and Safe City

EnvisionCR Element/Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: The Solid Waste and Recycling Division is responsible for abating garbage nuisances on public and private property. The Solid Waste and Recycling Division also initiates the Special Assessment process whenever delinquent nuisance abatements are unpaid and after a Notice of Intent to Assess were mailed at least 30 days prior to this Special Assessment. Below are the steps taken for typical abatements:

- Initial inspection and photos taken
- Abatement letter and photos mailed out (property owner has 7 days to abate nuisance)
- Clean-up is performed by Department, if nuisance is not cleaned up after 7 days
- Invoice mailed out
- Notice of Intent to Assess (authorized by the City Council) is mailed
- Special Assessment is approved by the City Council at least thirty days after the Intent to Assess is mailed

The Notice of Intent to Assess these properties were approved by Resolution No.0101-01-24 on January 23, 2024.

Following approval of the "Levy Assessment" Resolution, the nuisance abatement information will be certified with the Linn County Treasurer. This becomes a "Special Assessment" against the properties and has equal precedence to property taxes.

Action/Recommendation: The Solid Waste and Recycling Division recommends that the Resolution to Levy Assessments be approved.

Alternative Recommendation: The City Council could decide not to assess.

Time Sensitivity:

Resolution Date: 3/12/2024

Budget Information:

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: No

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City Council of the City of Cedar Rapids, Iowa, has heretofore passed a Resolution to assess property for the following:

NUISANCE ABATEMENTS

WHEREAS, a report of the cost of said abatements has been filed with the City Clerk and notice of assessment has been given to the property owners, now therefore

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that there be and is hereby levied an assessment against the lots, parts of lots and parcels of ground for the amounts shown in said assessments, which invoiced listing attached is made a part of this resolution, and the names of the owners are shown thereon so far as practicable, and

BE IT FURTHER RESOLVED, that a copy of this resolution be certified to the County Treasurer in order that the said assessments may be collected in the same manner as property taxes.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

LEVY ASSESSMENT (TO BE LIENED) 3/12/2024

			LEVY ASSESSMENT 3.127/2024
#	Balance Due	District #	Premise Address
1	94.00	1	1026 11 th St NE
2	234.00	1	1037 12 th St NE
3	232.00	1	888 Center Pt Rd NE
4	178.00	2	1106 Elmhurst Dr NE
5	178.00	2	1819 K Ave NE
6	384.00	4	1424 11 th St SW
7	190.00	3	1631 Bever Ave SE
8	196.00	2	311 33 rd St NE
9	283.00	4	900 C Ave NW
	\$1,969.00		Grand Total
	9		Number of Properties



Council Agenda Item Cover Sheet

Submitting Department: Water

Director Contact: Roy Hesemann – r.hesemann@cedar-rapids.org – (319) 521-5752

Presenter at Meeting: Roy Hesemann

Description of Agenda Item: Intent and levy assessments

Intent to Assess – Utilities-Water Division – delinquent municipal utility bills – 40 properties.

CIP/DID #WTR031224-01

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The Utilities Department – Water Division is responsible for the billing and collection of municipal utility bills for water, sewer, storm sewer, solid waste and recycling services provided to our customers. The Water Division initiates the Notice of Intent to Assess process whenever delinquent utility balances are unpaid; collection efforts have been ignored; and active services have been terminated. Below are the steps taken in typical situations:

- Friendly Reminder is mailed
- Final Notice is mailed
- Door Tag is placed at premise
- Services are terminated

A Notice of Intent to Assess letter is mailed (after Council approves the Resolution of Intent to Assess) to the customer and property owner giving them 30 days to pay their delinquent municipal utility bill before the resolution for special assessment is approved by the City Council to lien properties.

Recommended Action: The Utilities Department – Water Division recommends that the Resolution for Intent to Assess various properties for delinquent municipal utility bills be hereby approved.

Alternative: The City Council could decide not to lien delinquent municipal utility bills by council resolution and collect the delinquent municipal bills by another process or system.

Time Sensitivity: None

Resolution Date: March 12, 2024

Budget Information: Not Applicable

Local Preference Policy: Not applicable

Explanation: None

Recommended by Council Committee: Not applicable

Explanation: None

RESOLUTION NO. LEG_NUM_TAG

INTENT TO ASSESS

WHEREAS, utility service charges (water, sewer, storm sewer, solid waste, and recycling), penalties and Iowa sales tax have been provided to various properties in the City of Cedar Rapids, Iowa, and

WHEREAS, the occupants of the properties have failed to pay the municipal utility billings mailed for the utility service charges, and

WHEREAS, the utility service charges are now delinquent at these properties.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that special assessments be made against the properties and for the amounts shown on the attached listing, will be made by the City Council on the 23rd day of April 2024. Notice was given by mailing to the owners of the properties, a notice of this proposed assessment, stating the amount of the assessment and the description of the property, and on what account, and that objections to said proposed assessment may be filed prior to 13:00 p.m., April 23, 2024.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

LIEN INTENTS 3/12/2024					
#		Balance Due	Premise Address		Council District
1		\$ 431.07	51 WOODSTONE LN SW		5
2		\$ 88.32	189 JACOLYN DR NW		4
3		\$ 226.60	205 19TH ST NE		3
4		\$ 348.20	215 17TH ST NE		3
5		\$ 349.69	316 5TH ST NW		3
6		\$ 342.62	368 7TH AVE SW		3
7		\$ 151.42	400 SOUTH TROY RD, ROBINS, IA		ROBINS
8		\$ 114.28	412 14TH ST SE		3
9		\$ 314.48	425 32ND ST NE		2
10		\$ 72.74	438 8TH AVE SW		3
11		\$ 427.87	515 2ND AVE SW #301		3
12		\$ 274.19	519 9TH ST NW		4
13		\$ 64.84	635 BOYSON RD NE #434		2
14		\$ 248.20	815 4TH ST SW		3
15		\$ 69.05	1113 6TH ST SE #5		3
16		\$ 68.08	1137 6TH ST NW - LOWER		1
17		\$ 46.38	1141 19TH AVE SW		5
18		\$ 431.75	1241 42ND ST NE		1
19		\$ 210.60	1242 N ST SW		3
20		\$ 108.12	1431 29TH ST NE		2
21		\$ 292.12	1475 TOWER LN NE #15		2
22		\$ 48.53	1516 C AVE NE - LOWER		3
23		\$ 176.57	1516 C AVE NE - UPPER		3
24		\$ 441.40	1551 6TH AVE SE		3
25		\$ 117.65	1561 8TH AVE SE		3
26		\$ 281.24	1704 A AVE NE		3
27		\$ 335.22	1740 7TH AVE SE		3
28		\$ 109.92	1810 5TH AVE SE		3
29		\$ 400.40	2055 NORTH TOWNE LN NE		1
30		\$ 341.60	2202 RIVER BLUFF DR NW (UNITS 1 - 6)		1
31		\$ 77.07	2446 11TH AVE SE		3
32		\$ 576.99	2617 FRUITLAND BLVD SW		3
33		\$ 121.44	3036 CENTER POINT RD NE #103		1
34		\$ 577.56	3243 SOUTH RIDGE DR SW		5
35		\$ 146.16	3509 E AVE NW #A		4
36		\$ 385.28	3626 KING DR SW		5
37		\$ 137.45	3711 OAKLAND RD NE		1
38		\$ 278.71	4015 RICHMOND RD NE		1
39		\$ 812.70	4110 33RD AVE SW #2		5
40		\$ 67.43	5705 MUIRFIELD DR SW #9		5

LIEN INTENTS 3/12/2024					
#		Balance Due		Premise Address	Council District
		\$ 10,113.94		Grand Total	
		40		Number of Properties	
		\$ 46.38		Balance Due - Low	
		\$ 812.70		Balance Due - High	



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Maintenance bonds

Resolution accepting sanitary sewer in Big Ben Addition Phase 1 and approving 4-year Maintenance Bond submitted by Dave Schmitt Construction Co., Inc. in the amount of \$79,445. CIP/DID #FLPT-032088-2021

Council Priority: Not applicable
EnvisionCR Element/Goal: ConnectCR Goal 2: Build a complete network of connected streets.

Background: This item is for acceptance of a maintenance bond from Dave Schmitt Construction Co., inc. for sanitary sewer improvements. The construction has been substantially completed in accordance with the approved plans and City standards, has been inspected by the Public Works Department, and is recommended for acceptance. The value of the bond provided represents the construction value of the infrastructure improvements based on the developer's contract price for the infrastructure improvements.

Recommended Action: The Public Works Department recommends adoption of the Resolution to accept the maintenance bond as submitted from Dave Schmitt Construction Co., Inc.

Alternative: If Council chooses not to accept the maintenance bond, the Developer will encounter difficulty obtaining building permits and certification of occupancy for this development.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Private

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, Dave Schmitt Construction Co., Inc. has constructed sanitary sewer in Big Ben Addition, Phase 1, and

WHEREAS, said work has now been completed, and Dave Schmitt Construction Co., Inc. has filed a 4-year Maintenance Bond, executed by United Fire & Casualty Company in the sum of \$79,445 covering said work, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the sanitary sewer constructed be and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the 4-year Maintenance Bond filed by Dave Schmitt Construction Co., Inc. be and the same is hereby approved and filed with the City of Cedar Rapids Finance Director.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Maintenance bonds

Resolution accepting storm sewer in Big Ben Addition Phase 1 and approving 4-year Maintenance Bond submitted by Dave Schmitt Construction Co., Inc. in the amount of \$248,979.

CIP/DID #FLPT-032088-2021

Council Priority: Not applicable
EnvisionCR Element/Goal: ConnectCR Goal 2: Build a complete network of connected streets.

Background: This item is for acceptance of a maintenance bond from Dave Schmitt Construction Co., inc. for storm sewer improvements. The construction has been substantially completed in accordance with the approved plans and City standards, has been inspected by the Public Works Department, and is recommended for acceptance. The value of the bond provided represents the construction value of the infrastructure improvements based on the developer's contract price for the infrastructure improvements.

Recommended Action: The Public Works Department recommends adoption of the Resolution to accept the maintenance bond as submitted from Dave Schmitt Construction Co., Inc.

Alternative: If Council chooses not to accept the maintenance bond, the Developer will encounter difficulty obtaining building permits and certification of occupancy for this development.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Private

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, Dave Schmitt Construction Co., Inc. has constructed storm sewer in Big Ben Addition, Phase 1, and

WHEREAS, said work has now been completed, and Dave Schmitt Construction Co., Inc. has filed a 4-year Maintenance Bond, executed by United Fire & Casualty Company in the sum of \$248,979 covering said work, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the storm sewer constructed be and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the 4-year Maintenance Bond filed by Dave Schmitt Construction Co., Inc. be and the same is hereby approved and filed with the City of Cedar Rapids Finance Director.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Accept projects

Authorizing Change Order No. 9 Final deducting the amount of \$95,950.48 and accepting project, authorizing final payment in the amount of \$90,344.64 and approving the 4-year Performance Bond submitted by Eastern Iowa Excavating & Concrete, LLC for the 2023 Fair Oaks Addition Pavement Reconstruction project (original contract amount was \$1,832,924.95; final contract amount is \$1,806,892.70) **(Paving for Progress)**.

CIP/DID #3012285-02

Council Priority: Not applicable
EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: Final contract change order adjusts the contract price based on the actual quantities of completed work and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

Construction has been substantially completed by Eastern Iowa Excavating & Concrete, LLC for the 2023 Fair Oaks Addition Pavement Reconstruction project. This is an approved Capital Improvements Project (CIP No. 3012285-02) with a final construction contract amount of \$1,806,892.70. Funding resources for this project were approved in FY 24 and prior years and the project is completed within the approved budget.

Recommended Action: No. 9 Final and adoption of the Resolution to accept the project and performance bond and issue final payment to the contractor in the amount of \$90,344.64.

Alternative: There is no alternative recommendation but an alternative action is to not accept the project. If the project is not accepted, the project cannot be closed out (retainage cannot be released to Contractor, four-year maintenance bond period cannot begin) and City could be subject to claims since Contractor has fulfilled the terms of the construction contract.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/3012285 SLOST, 625/625000/6250051, NA

Local Preference Policy: NA
Explanation: NA

Recommended by Council Committee: NA
Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City Engineer certifies that the work on 2023 Fair Oaks Addition Pavement Reconstruction (Contract No. 3012285-02), has been substantially completed in accordance with the plans and specifications, and

WHEREAS, a Performance Bond, dated December 20, 2022 in the amount of \$1,829,924.95 covering said work filed by Eastern Iowa Excavating & Concrete, LLC, and executed by West Bend Mutual Insurance Company provides a four-year correction period for defects in materials and workmanship,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 9 Final deducting the amount of \$95,950.48 with Eastern Iowa Excavating & Concrete, LLC for the 2023 Fair Oaks Addition Pavement Reconstruction, Contract No. 3012285-02. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$1,829,924.95
Original Incentive Value	3,000.00
Change Order No. 1	11,854.50
Change Order No. 2	6,163.04
Change Order No. 3	7,203.80
Change Order No. 4	32,379.33
Change Order No. 5	2,955.00
Change Order No. 6	2,208.45
Change Order No. 7	3,997.49
Change Order No. 8	6,156.62
Change Order No. 9 Final	(95,950.48)
Remove Original Incentive Value	<u>(3,000.00)</u>
Amended Contract Amount	\$1,806,892.70

BE IT FURTHER RESOLVED that the 2023 Fair Oaks Addition Pavement Reconstruction, (Contract No. 3012285-02) be and the same is hereby accepted by the City Public Works Department, and the City of Cedar Rapids Finance Director is authorized and directed to issue a warrant in the sum of \$90,344.64 to Eastern Iowa Excavating & Concrete, LLC as final payment.

BE IT FURTHER RESOLVED, that the four-year correction period as provided by the Performance Bond commences on this date, and

BE IT FURTHER RESOLVED, that sales tax was not paid on the above project and therefore there is no refund to be submitted to the State of Iowa.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Accept projects

Authorizing Change Order No. 7 Final deducting the amount of \$504,337.31 and accepting project, authorizing final payment in the amount of \$124,962 and approving the 4-year Performance Bond submitted by Midwest Concrete, Inc. for the 2023 Pavement Milling and Curb Repair project (original contract amount was \$2,653,297.30; final contract amount is \$2,499,240.01) **(Paving for Progress)**.

CIP/DID #301998-12

Council Priority: Not applicable
EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: Final contract change order adjusts the contract price based on the actual quantities of completed work and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

- Work Change Directive (WCD) #3 – Item 8012 & Item 8013: Item 39 and 40's as-built quantities under-ran the projected estimate quantity greater than 25%. The items include a unit price adjustment to allow the contractor to recover anticipated overhead and markup per CR SUDAS Specification 1040-1.06.
- Item 8014: Item includes price adjustment to include additional concrete and labor required to complete minor manhole adjustments.

Predominant Reason for CCO: Constructed quantities different from estimate.

Construction has been substantially completed by Midwest Concrete, Inc. for the 2023 Pavement Milling and Curb Repair project. This is an approved Capital Improvements Project (CIP No. 301998-12) with a final construction contract amount of \$2,499,240.01. Funding resources for this project were approved in FY 24 and prior years and the project is completed within the approved budget.

Recommended Action: The Public Works Department recommends approval of Change Order No. 7 Final and adoption of the Resolution to accept the project and performance bond and issue final payment to the contractor in the amount of \$124,962.

Alternative: There is no alternative recommendation but an alternative action is to not accept the project. If the project is not accepted, the project cannot be closed out (retainage cannot be

released to Contractor, four-year maintenance bond period cannot begin) and City could be subject to claims since Contractor has fulfilled the terms of the construction contract.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information:

301/301000/3012420 SLOST	301/301000/3012428 SLOST	301/301000/3012438 SLOST
301/301000/3012422 SLOST	301/301000/3012430 SLOST	301/301000/3012457 SLOST
301/301000/3012423 SLOST	301/301000/3012373 SLOST	301/301000/3012458 SLOST
301/301000/3012425 SLOST	301/301000/3012431 SLOST	301/301000/3012460 SLOST
301/301000/3012426 SLOST	301/301000/3012437 SLOST	301/301000/3012459 SLOST

Local Preference Policy: NA

Explanation: Code of Iowa applies for publicly bid projects.

Recommended by Council Committee: Yes

Explanation: Approved Paving for Progress project

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City Engineer certifies that the work on 2023 Pavement Milling and Curb Repair (Contract No. 301998-12), has been substantially completed in accordance with the plans and specifications, and

WHEREAS, a Performance Bond, dated June 13, 2023 in the amount of \$2,648,297.30 covering said work filed by Midwest Concrete, Inc., and executed by West Bend Mutual Insurance Company provides a four-year correction period for defects in materials and workmanship,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 7 Final deducting the amount of \$504,337.31 with Midwest Concrete, Inc. for the 2023 Pavement Milling and Curb Repair, Contract No. 301998-12. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$2,648,297.30
Original Incentive Value	5,000.00
Change Order No. 1	44,538.18
Change Order No. 2	63,526.87
Change Order No. 3	92,027.53
Change Order No. 4	31,389.47
Change Order No. 5	118,894.70
Change Order No. 6	(96.73)
Change Order No. 7	<u>(504,337.31)</u>
Amended Contract Amount	\$2,499,240.01

BE IT FURTHER RESOLVED that the 2023 Pavement Milling and Curb Repair, (Contract No. 301998-12) be and the same is hereby accepted by the City Public Works Department, and the City of Cedar Rapids Finance Director is authorized and directed to issue a warrant in the sum of \$124,962 to Midwest Concrete, Inc. as final payment.

BE IT FURTHER RESOLVED, that the four-year correction period as provided by the Performance Bond commences on this date, and

BE IT FURTHER RESOLVED, that sales tax was not paid on the above project and therefore there is no refund to be submitted to the State of Iowa.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Accept projects

Authorizing Change Order No. 4 Final deducting the amount of \$41,738.79 and accepting project, authorizing final payment in the amount of \$17,004.41 and approving the 4-year Performance Bond submitted by Midwest Concrete, Inc. for the FY 2023 ADA Pedestrian and Transit Stop Improvements project (original contract amount was \$313,895.85; final contract amount is \$340,088.28) **(Council Priority)**.

CIP/DID #306995-02

Council Priority: Quality of Life Enhancements
EnvisionCR Element/Goal: ConnectCR Goal 1: Provide choices for all transportation users: inter- and intra-city.

Background: Final contract change order adjusts the contract price based on the actual quantities of completed work and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

Construction has been substantially completed by Midwest Concrete, Inc. for the FY 2023 ADA Pedestrian and Transit Stop Improvements project. This is an approved Capital Improvements Project (CIP No. 306995-02) with a final construction contract amount of \$340,088.28 Funding resources for this project were approved in FY 24 and prior years and the project is completed within the approved budget.

Recommended Action: The Public Works Department recommends approval of Change Order No. 4 Final and adoption of the Resolution to accept the project and performance bond and issue final payment to the contractor in the amount of \$17,004.41.

Alternative: There is no alternative recommendation but an alternative action is to not accept the project. If the project is not accepted, the project cannot be closed out (retainage cannot be released to Contractor, four-year maintenance bond period cannot begin) and City could be subject to claims since Contractor has fulfilled the terms of the construction contract.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 306/306000/306995, NA

Local Preference Policy: NA
Explanation: NA

Recommended by Council Committee: NA
Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City Engineer certifies that the work on FY 2023 ADA Pedestrian and Transit Stop Improvements (Contract No. 306995-02), has been substantially completed in accordance with the plans and specifications, and

WHEREAS, a Performance Bond, dated March 14, 2023 in the amount of \$313,895.85 covering said work filed by Midwest Concrete, Inc., and executed by West Bend Mutual Insurance Company provides a four-year correction period for defects in materials and workmanship,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 4 Final deducting the amount of \$41,738.79 with Midwest Concrete, Inc. for the FY 2023 ADA Pedestrian and Transit Stop Improvements, Contract No. 306995-02. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$313,895.85
Change Order No. 1	77.81
Change Order No. 2	63,884.29
Change Order No. 3	3,969.12
Change Order No. 4 Final	<u>(41,738.79)</u>
Amended Contract Amount	\$340,088.28

BE IT FURTHER RESOLVED that the FY 2023 ADA Pedestrian and Transit Stop Improvements, (Contract No. 306995-02) be and the same is hereby accepted by the City Public Works Department, and the City of Cedar Rapids Finance Director is authorized and directed to issue a warrant in the sum of \$17,004.41 to Midwest Concrete, Inc. as final payment.

BE IT FURTHER RESOLVED, that the four-year correction period as provided by the Performance Bond commences on this date, and

BE IT FURTHER RESOLVED, that sales tax was not paid on the above project and therefore there is no refund to be submitted to the State of Iowa.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Accept projects

Resolution accepting project, authorizing final payment in the amount of \$7,740.94 and approving the 4-year Performance Bond submitted by Rathje Construction Co. for the Glass Road NE Frontage Road project (original contract amount was \$153,823.82; final contract amount is \$154,818.82).

CIP/DID #301949-02

Council Priority: Not applicable
EnvisionCR Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: Construction has been substantially completed by Rathje Construction Co. for the Glass Road NE Frontage Road project. This is an approved Capital Improvements Project (CIP No. 301949-02) with a final construction contract amount of \$154,818.82. Funding resources for this project were approved in FY 24 and prior years and the project is completed within the approved budget.

Recommended Action: The Public Works Department recommends adoption of the Resolution to accept the project and performance bond and issue final payment to the contractor in the amount of \$7,740.94.

Alternative: There is no alternative recommendation but an alternative action is to not accept the project. If the project is not accepted, the project cannot be closed out (retainage cannot be released to Contractor, four-year maintenance bond period cannot begin) and City could be subject to claims since Contractor has fulfilled the terms of the construction contract.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/301949

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City Engineer certifies construction contract work on the Glass Road NE Frontage Road project (Contract No. 301949-02), has been substantially completed in accordance with the approved plans and specifications, and

WHEREAS, a Performance Bond dated January 10, 2023 in the amount of \$153,823.82 covering said work filed by Rathje Construction Co. and executed by United Fire & Casualty Company provides a 4-year correction period for defects in materials and workmanship, and

WHEREAS, the final cost summary for this project is as follows:

Original Contract Amount	\$153,823.82
Change Order No. 2	525.00
Change Order No. 2	5,260.00
Change Order No. 3 Final	<u>(4,790.00)</u>
Amended Contract Amount	\$154,818.82

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that based on the City Engineer's recommendation, the Glass Road NE Frontage Road project (Contract No. 301949-02) be and the same is hereby accepted as being substantially completed, and the City of Cedar Rapids Finance Director is authorized and directed to issue a warrant in the sum of \$7,740.94 to Rathje Construction Co. as final payment.

BE IT FURTHER RESOLVED, that sales tax was not paid on the above project and therefore there is no refund to be submitted to the State of Iowa.

PASSED_DAY_TAG

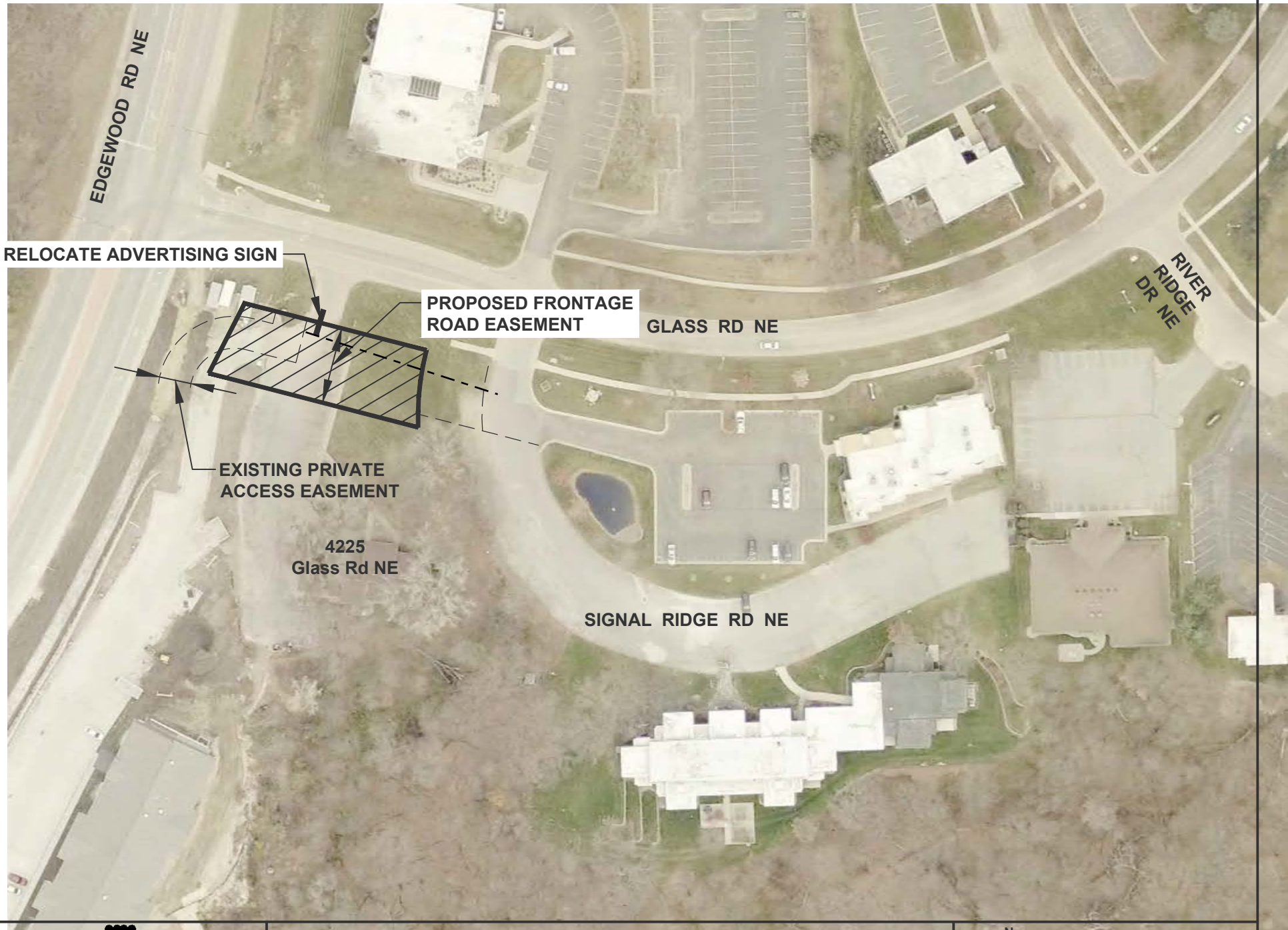
LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

Cadd File Name: \\cityofcedar-rapids\p\proj\301949 Glass Rd NE Public Access Easement\301949 Council Map.dwg



FRONTAGE ROAD EASEMENT



0 FEET 100



Council Agenda Item Cover Sheet

Submitting Department: Development Services

Director Contact: Bill Micheel – w.micheel@cedar-rapids.org – (319) 286-5725

Presenter at Meeting: Tyrell Gingerich

Description of Agenda Item: Final plats

Resolution approving the Final Plat of Altorfer First Addition to the City of Cedar Rapids, Linn County, Iowa, for land located north of Wright Brothers Boulevard SW and west of 6th Street SW.

CIP/DID #FLPT-034123-2023

Council Priority: Business-Friendly
EnvisionCR Goal: GrowCR Goal 2: Manage Growth.

Background: The property owner submitted the Final Plat of Altorfer First Addition in conformance with the standards established by the City. Development Services Department staff reviewed the submittal and determined it complies with applicable final plat conditions and applicable requirements for final plats. The final plat contains three (3) numbered lots, Lot 1 through Lot 3, all inclusive, and a total plat area of 71.92 acres.

Recommended Action: City Development Services Department staff recommends approval of the resolution.

Alternative: City Council may table this item and request further information.

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: NA

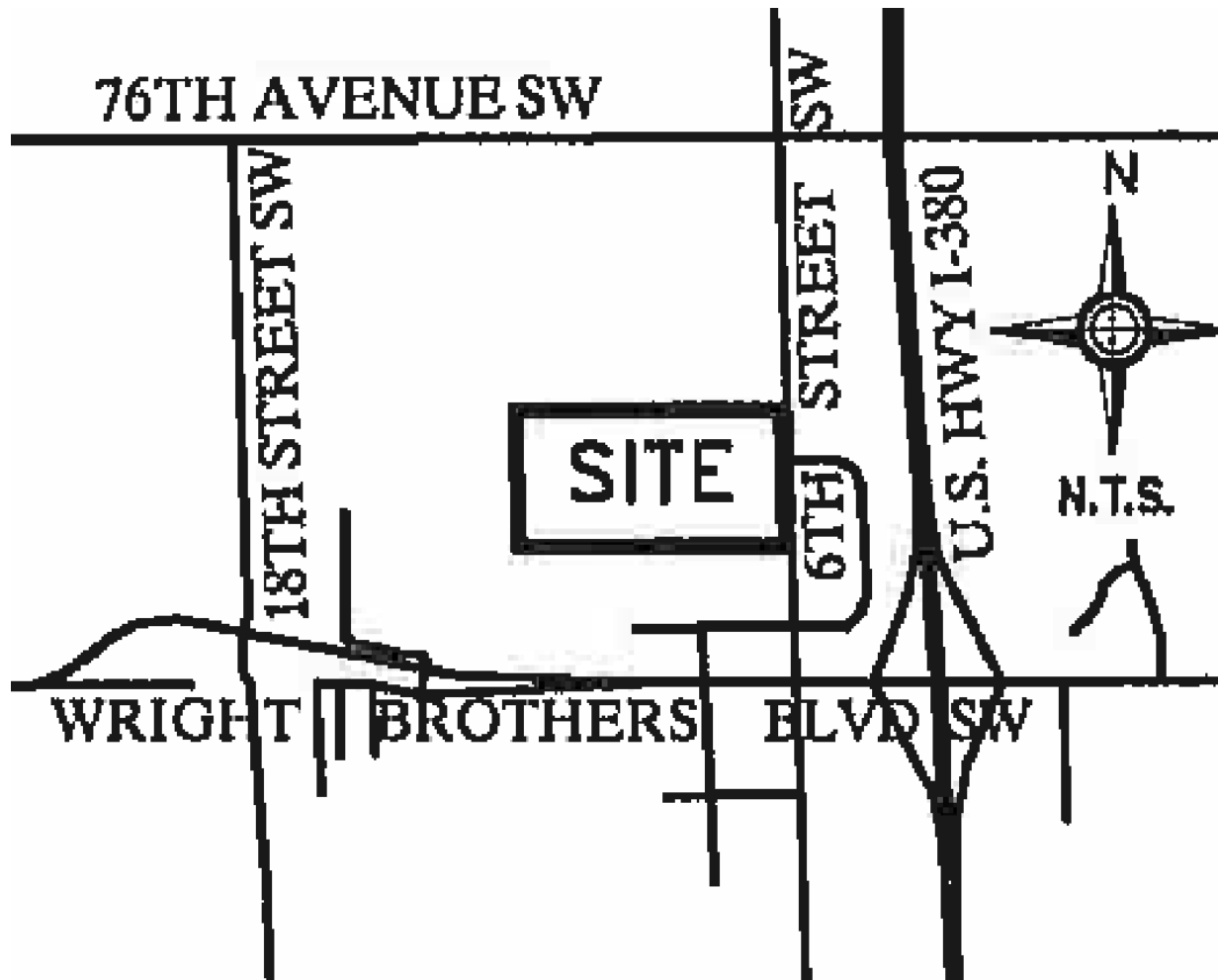
Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Not applicable

Explanation: NA

Location Map



RESOLUTION NO. LEG_NUM_TAG

WHEREAS, A PLAT OF ALTORFER FIRST ADDITION TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA containing three (3) numbered lots, Lot 1 through Lot 3, all inclusive, has been filed with the City Clerk and after consideration of the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa, and the ordinances of the City of Cedar Rapids, in relation to Plats and Addition to Cities, and

WHEREAS, the property owner(s) has submitted the following executed agreement(s), and are included as part of the final plat documents:

1. Final Plat Development Agreement
2. Agreement for Private Water Main Facilities
3. Agreement for Private Storm Water Management
4. Agreement for 20-Foot Sanitary Sewer Easement (Off-Site)

, and

WHEREAS, the agreement(s) as submitted are recommended for approval by the Development Services Department, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The City Council concurs with the recommendation of the Development Services Department, and specifically finds that the proposed plat is in accordance with the provisions of the laws of the State of Iowa, and the ordinances of the City of Cedar Rapids, in relation to Plats and Addition to Cities, and also specifically Cedar Rapids Municipal Code Chapter 31, the Subdivision Ordinance.
2. The Mayor and City Council hereby accept the executed agreement(s), as noted above.
3. Said plat and dedication of said Altorfer First Addition to the City of Cedar Rapids, Linn County, Iowa, be and the same is hereby acknowledged and approved on the part of the City of Cedar Rapids, Iowa, and the dedication of the public easements for the purposes shown on the final plat are hereby approved and accepted, and the City Clerk is hereby directed to certify this resolution of approval and affix the same to said plat as by law provided.

PASSED_DAY_TAG
LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

STATE OF IOWA)
) ss.
COUNTY OF LINN)

I, Alissa Van Sloten, City Clerk of the City of Cedar Rapids, Iowa, do hereby certify that the above and foregoing Resolution is a true and authentic document of the City of Cedar Rapids, as full and complete as the same of record and on file in my office, on this 12th day of March, 2024.

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Development Services

Director Contact: Bill Micheel – w.micheel@cedar-rapids.org – (319) 286-5725

Presenter at Meeting: Tyrell Gingerich

Description of Agenda Item: Final plats

Resolution approving the Final Plat of Blake's First Addition in the City of Cedar Rapids, Linn County, Iowa, for land located south of E Avenue NW and west of 4th Street NW.

CIP/DID #FLPT-034678-2023

Council Priority: Business-Friendly
EnvisionCR Goal: GrowCR Goal 2: Manage Growth.

Background: The property owner submitted the Final Plat of Blake's First Addition in conformance with the standards established by the City. Development Services Department staff reviewed the submittal and determined it complies with applicable final plat conditions and applicable requirements for final plats. The final plat contains four (4) numbered lots, Lot 1 through Lot 4, all inclusive, and a total plat area of 0.37 acres.

Recommended Action: City Development Services Department staff recommends approval of the resolution.

Alternative: City Council may table this item and request further information.

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: NA

Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Not applicable

Explanation: NA

Location Map



RESOLUTION NO. LEG_NUM_TAG

WHEREAS, A PLAT OF BLAKE'S FIRST ADDITION IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA containing four (4) numbered lots, Lot 1 through Lot 4, all inclusive, has been filed with the City Clerk and after consideration of the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa, and the ordinances of the City of Cedar Rapids, in relation to Plats and Addition to Cities, and

WHEREAS, the property owner(s) has submitted the following executed agreement(s), and are included as part of the final plat documents:

1. Final Plat Development Agreement

, and

WHEREAS, the agreement(s) as submitted are recommended for approval by the Development Services Department, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The City Council concurs with the recommendation of the Development Services Department, and specifically finds that the proposed plat is in accordance with the provisions of the laws of the State of Iowa, and the ordinances of the City of Cedar Rapids, in relation to Plats and Addition to Cities, and also specifically Cedar Rapids Municipal Code Chapter 31, the Subdivision Ordinance.
2. The Mayor and City Council hereby accept the executed agreement(s), as noted above.
3. Said plat and dedication of said Blake's First Addition in the City of Cedar Rapids, Linn County, Iowa, be and the same is hereby acknowledged and approved on the part of the City of Cedar Rapids, Iowa, and the dedication of the public easements for the purposes shown on the final plat are hereby approved and accepted, and the City Clerk is hereby directed to certify this resolution of approval and affix the same to said plat as by law provided.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

STATE OF IOWA)
) ss.
COUNTY OF LINN)

I, Alissa Van Sloten, City Clerk of the City of Cedar Rapids, Iowa, do hereby certify that the above and foregoing Resolution is a true and authentic document of the City of Cedar Rapids, as full and complete as the same of record and on file in my office, on this 12th day of March, 2024.

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Development Services

Director Contact: Bill Micheel – w.micheel@cedar-rapids.org – (319) 286-5725

Presenter at Meeting: Tyrell Gingerich

Description of Agenda Item: Final plats

Resolution approving the Final Plat of Rick Stickle's Addition to the City of Cedar Rapids, Linn County, Iowa, for land located north of Wilson Avenue SW and west of Wiley Boulevard SW.

CIP/DID #FLPT-034690-2023

Council Priority: Business-Friendly
EnvisionCR Goal: GrowCR Goal 2: Manage Growth.

Background: The property owner submitted the Final Plat of Rick Stickle's Addition in conformance with the standards established by the City. Development Services Department staff reviewed the submittal and determined it complies with applicable final plat conditions and applicable requirements for final plats. The final plat contains one (1) numbered lot, Lot 1, and one (1) lettered Lot, Lot A, both inclusive, and a total plat area of 38.29 acres.

Recommended Action: City Development Services Department staff recommends approval of the resolution.

Alternative: City Council may table this item and request further information.

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: NA

Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Not applicable

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, A PLAT OF RICK STICKLE'S ADDITION TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA containing one (1) numbered lot, Lot 1, and one (1) lettered Lot, Lot A, both inclusive, has been filed with the City Clerk and after consideration of the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa, and the ordinances of the City of Cedar Rapids, in relation to Plats and Addition to Cities, and

WHEREAS, the property owner(s) has submitted the following executed agreement(s), and are included as part of the final plat documents:

1. Agreement for Private Water Main Facilities

, and

WHEREAS, the agreement(s) as submitted are recommended for approval by the Development Services Department, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The City Council concurs with the recommendation of the Development Services Department, and specifically finds that the proposed plat is in accordance with the provisions of the laws of the State of Iowa, and the ordinances of the City of Cedar Rapids, in relation to Plats and Addition to Cities, and also specifically Cedar Rapids Municipal Code Chapter 31, the Subdivision Ordinance.
2. The Mayor and City Council hereby accept the executed agreement(s), as noted above.
3. Said plat and dedication of said Rick Stickle's Addition to the City of Cedar Rapids, Linn County, Iowa, be and the same is hereby acknowledged and approved on the part of the City of Cedar Rapids, Iowa, and the dedication to the public of all land within the plat that are designated for streets, more specifically, Lot A (Wilson Avenue SW) is hereby approved and accepted, and the dedication of the public easements for the purposes shown on the final plat are hereby approved and accepted, and the City Clerk is hereby directed to certify this resolution of approval and affix the same to said plat as by law provided.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

STATE OF IOWA)
) ss.
COUNTY OF LINN)

I, Alissa Van Sloten, City Clerk of the City of Cedar Rapids, Iowa, do hereby certify that the above and foregoing Resolution is a true and authentic document of the City of Cedar Rapids, as full and complete as the same of record and on file in my office, on this 12th day of March, 2024.

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Development Services

Director Contact: Bill Micheel – w.micheel@cedar-rapids.org – (319) 286-5725

Presenter at Meeting: Tyrell Gingerich

Description of Agenda Item: Final plats

Resolution approving the Final Plat of Van Buren Heights Fifteenth Addition in the City of Cedar Rapids, Linn County, Iowa, for land located south of Wilson Avenue SW and east of Edgewood Road SW.

CIP/DID #FLPT-000207-2024

Council Priority: Business-Friendly
EnvisionCR Goal: GrowCR Goal 2: Manage Growth.

Background: The property owner submitted the Final Plat of Van Buren Heights Fifteenth Addition in conformance with the standards established by the City. Development Services Department staff reviewed the submittal and determined it complies with applicable final plat conditions and applicable requirements for final plats. The final plat contains two (2) numbered lots, Lot 1 and Lot 2, both inclusive, and a total plat area of 9.56 acres.

Recommended Action: City Development Services Department staff recommends approval of the resolution.

Alternative: City Council may table this item and request further information.

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: NA

Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Not applicable

Explanation: NA

Location Map



RESOLUTION NO. LEG_NUM_TAG

WHEREAS, A PLAT OF VAN BUREN HEIGHTS FIFTEENTH ADDITION IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA containing two (2) numbered lots, Lot 1 and Lot 2, both inclusive, has been filed with the City Clerk and after consideration of the same is found to be correct and in accordance with the provisions of the laws of the State of Iowa, and the ordinances of the City of Cedar Rapids, in relation to Plats and Addition to Cities, and

WHEREAS, the plat as submitted is recommended for approval by the Development Services Department, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The City Council concurs with the recommendation of the Development Services Department, and specifically finds that the proposed plat is in accordance with the provisions of the laws of the State of Iowa, and the ordinances of the City of Cedar Rapids, in relation to Plats and Addition to Cities, and also specifically Cedar Rapids Municipal Code Chapter 31, the Subdivision Ordinance.
2. Said plat and dedication of said Van Buren Heights Fifteenth Addition in the City of Cedar Rapids, Linn County, Iowa, be and the same is hereby acknowledged and approved on the part of the City of Cedar Rapids, Iowa, and the dedication of the public easements for the purposes shown on the final plat are hereby approved and accepted, and the City Clerk is hereby directed to certify this resolution of approval and affix the same to said plat as by law provided.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

STATE OF IOWA)
) ss.
COUNTY OF LINN)

I, Alissa Van Sloten, City Clerk of the City of Cedar Rapids, Iowa, do hereby certify that the above and foregoing Resolution and attached documents are true and authentic documents of the City of Cedar Rapids, as full and complete as the same of record and on file in my office, on this 12th day of March, 2024.

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Rob Davis, PE, ENVSP

Description of Agenda Item: Purchases, contracts and agreements

Resolution authorizing a Bridge Investment Program (BIP) Grant application to the US Department of Transportation in the amount of \$60.9 million for the Arc of Justice Bridge Replacement over the Cedar River Flood Control System project.

CIP/DID #3318400-00 (**Council Priority**)

Council Priority: FCS/Greenway
EnvisionCR Goal: ProtectCR Goal 1: Protect Cedar Rapids from flooding and other hazards.

Background: The Flood Control System (FCS) initiative currently has three main components, the east side Cedar River system with the US Army Corps of Engineers, the west side system without the US Army Corps of Engineers, and the Arc of Justice Bridge (formerly 8th Avenue Bridge) Replacement over both of those components. A new, higher Arc of Justice Bridge will serve as an emergency service and lifeline connection during extreme flooding when all other city bridges over the Cedar River are closed and only I-380 remains open downtown. This new connection addresses an existing bridge in poor condition and during flooding is crucial for erecting and maintaining the FCS, providing improved emergency access, improving river hydraulics, and improving overall transportation to limit the need to evacuate areas behind the completed FCS. It also will enhance trail access and community development.

The Arc of Justice Bridge had its most recent opinion of probable cost calculated with the August 2022 Bridge Investment Program Grant Application. An inflationary cost adjustment of 8% has been added to that estimate to develop a current project opinion of probable cost of \$76.14 million. These costs include design, construction engineering, construction and project contingency. The project is planned to be partially funded in the City's FCS Financial Plan through general obligation bonds and Iowa Flood Mitigation Program funds. In April 2021, the Iowa Department of Transportation awarded \$1 million of funding for replacing the bridge through its City Bridge Program.

Much like the balance of the FCS, the Arc of Justice Bridge Replacement project is proposed to be funded through a combination of local, state and federal funds. With the local and state funding set, the project is seeking the federal funding component through the US Department of Transportation's (DOT) BIP discretionary grant program. This discretionary grant application was part of the Bipartisan Infrastructure Law (BIL).

The Arc of Justice Bridge is a good fit for the BIP program, because of its focus on Mobility and Economic Competitiveness (moving people and goods), Climate Change, Resiliency, and the Environment (raising above flood waters), and Quality of Life (increase transportation choices). The City is proposing to submit a request to US DOT under this program for the maximum award amount of \$60.9 million, which is approximately 80% of project costs. The project also has pending grant applications under the USDOT PROTECT and RAISE programs. These grant applications are combinable, and the current BIP grant application assumes those applications are not approved. Should funding come from the other programs, it is anticipated a BIP grant award may be reduced in order to keep grant awards within Project costs.

This City Council agenda item is a resolution of support to the US DOT for this grant application, commits to necessary local funding match to complete the project upon successful award of federal funds for the project, and authorizes City staff to make an application to the US DOT by the grant application deadline, which is currently March 19, 2024.

Action/Recommendation: The Public Works Department recommends approval of the Resolution supporting the application to the US Department of Transportation for a BIP Grant for the Arc of Justice Bridge Replacement over the Cedar River Flood Control System.

Alternative Recommendation: Forgoing this opportunity would require additional local funds or another funding source.

Time Sensitivity: High. Delaying this action to a future Council meeting will miss the application March 19, 2024 deadline.

Resolution Date: March 12, 2024

Budget Information: CIP No. 3311000/3318400. Grant Match via Iowa Flood Mitigation Funds and general obligation bonds.

Local Preference Policy: NA
Explanation: NA

Recommended by Council Committee: NA
Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids is planning the replacement of the existing 87-year old, structurally deficient, 8th Avenue Bridge over the Cedar River with the new Arc of Justice Bridge, which will be raised to cross over the Cedar River Flood Control System, and

WHEREAS, The Iowa Department of Transportation (DOT) approved \$1 million in funding for replacing the 8th Avenue Bridge over the Cedar River through its City Bridge Program in 2021, and

WHEREAS, the planned design includes a specific local connection from the intersection of Diagonal Drive SW and Valor Way SW to the intersection of 8th Avenue SE with 2nd Street SE and more generally important transportation connections with I-380 interchange 1/3 mile to the west and the intersection with arterial streets 10th Street SE and Mt. Vernon Road SE 1/2 mile to the east, and

WHEREAS, the planned bridge design will allow for a high-level crossing such it clears the 1,000-year return period flood level of the Cedar River, demonstrating resiliency and the need to address climate change, while also being consistent with the City's adopted Climate Action Plan, and

WHEREAS, a new, higher Arc of Justice Bridge over the top of the City's planned Flood Control System will provide for critical transportation network preservation during major flooding, and

WHEREAS, by working in conjunction with the Cedar River Flood Control System, a new, higher Arc of Justice Bridge can provide more social equity by limiting evacuations and associated societal and economic hardships in areas of low and moderate income that come with said evacuations, and

WHEREAS, the planned bridge construction will serve as a lifeline structure for emergency vehicles such as police, fire engines and ambulances and public works vehicles to all fight floods at and above the 50-year flood return, when all other City owned bridges over the Cedar River are inundated and closed, and

WHEREAS, the planned bridge project can also positively impact the Cedar River Flood Control System project by eliminating the need for approximately \$5 million in flood control gates on either end of the existing bridge elevation, and also lower the flood waters upstream due to improved hydraulic design over the existing structure, and

WHEREAS, the planned Arc of Justice Bridge design includes pedestrian and bike paths connecting the Cedar River Trail on the east bank of Cedar River with the riverside trail on the west bank of the Cedar River and the proposed Riverfront Development Project at the northwest corner of the proposed bridge, and

WHEREAS, the project is in an advanced state of readiness with the project being constructed almost entirely on existing city-owned property, federal environmental clearance approved through the US Army Corps of Engineers in 2019, and the project completed preliminary design in 2021, and the project is currently undertaking environmental clearance through the US Federal Highway Administration (FHWA) with a Finding of No Significant Impact anticipated in the second half of 2024, and

WHEREAS, the completed project will be maintained by the City of Cedar Rapids for the duration of its useful life, and

WHEREAS, the City of Cedar Rapids has local funding available for approximately 20 percent of the estimated \$76 million project budget for the Arc of Justice Bridge Replacement Project through a combination of Iowa Flood Mitigation Program funds, Iowa DOT City Bridge Program funds, and locally funded capital improvement funds through general obligation bonds, and

WHEREAS, the City of Cedar Rapids has identified a potential funding match of federal dollars to match state and local funds through the US Department of Transportation's Bridge Investment Program (BIP) Grant program, and

WHEREAS, subject to securing a \$60.9 million U.S. Department of Transportation BIP Grant, is currently scheduled for construction completion in year 2030,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager or designee is authorized to make application to the US Department of Transportation for a Bridge Investment Program (BIP) Grant for the Arc of Justice Bridge Replacement over the Cedar River Flood Control System in the amount of \$60.9 million and that the City commits to provide the non-US DOT funding match for the project in accordance with said application and grant terms.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: CD - Housing

Director Contact: Jennifer Pratt – j.pratt@cedar-rapids.org – (319) 538-2552

Presenter at Meeting: Sara Buck

Description of Agenda Item: Purchases, contracts and agreements

Development Agreement and related documents with Abode Construction, Inc. for an amount not to exceed \$1,975,856 for property located at Lot 23, Foxtail Ridge, 1st Addition in connection with the Community Development Block Grant – Disaster Recovery Single-Family New Construction (ROOTs) Program. **(Council Priority)**

CIP/DID #CDBG-DR-FY22

Council Priority: Affordable Housing
EnvisionCR Goal: StrengthenCR Goal 4: Create a city that is affordable and accessible to all members of the community.

Background: On December 2, 2022, the City of Cedar Rapids accepted applications for the Community Development Block Grant – Disaster Recovery (CDBG-DR) funding, made available in response to the August 10, 2020 derecho through the U.S. Department of Housing and Urban Development (HUD) and allocated to the Iowa Economic Development Authority (IEDA) for distribution.

IEDA awarded a Single-Family New Construction (ROOTs) project submitted by Abode Construction, Inc. located on Lot 23, Foxtail Ridge, 1st Addition. This project will provide 16 units of single-family housing, all of which are required to be affordable to low to moderate-income households.

IEDA awarded contract number 20-DRH-001 to the City of Cedar Rapids, who will administer the grant on behalf of Abode Construction, Inc. Therefore, the City must enter into a Development Agreement with Abode Construction, Inc. in an amount not to exceed \$1,975,856 and execute all other agreements and documentation necessary as required for administration of this grant.

Recommended Action: City staff recommend adoption of the resolution.

Alternative: Table the resolution and request additional information.

Time Sensitivity: Contract delays will delay the start of construction.

Resolution Date: N/A

Budget Information: N/A

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable
Explanation:

Prepared By: City of Cedar Rapids 319-286-5060
Return To: City Clerk, 101 First Street SE, Cedar Rapids, IA 52401

RESOLUTION NO. LEG_NUM_TAG

RESOLUTION AUTHORIZING EXECUTION OF DEVELOPMENT
AGREEMENT, MORTGAGE, PROMISSORY NOTE,
COVENANTS AND RESTRICTIONS, AND ALL OTHER
DOCUMENTATION PER IEDA CONTRACT 20-DRH-001

WHEREAS, disaster recovery funding has been made available in response to the August 10, 2020 derecho through the U.S. Department of Housing and Urban Development (HUD), which has been allocated to the Iowa Economic Development Authority (IEDA) for distribution; and

WHEREAS, IEDA accepted applications for the Single-Family New Construction program and the City of Cedar Rapids submitted applications for projects within its jurisdiction, on the developers behalf; and

WHEREAS, IEDA has awarded contract number 20-DRH-001 to the City of Cedar Rapids, who will manage the grant on behalf of the developer, Abode Construction, Inc.; and

WHEREAS, this development will be located on Lot 23, Foxtail Ridge, 1st Addition and includes 16 units of single-family housing, all of which are required to be affordable to low to moderate-income households; and

WHEREAS, the City of Cedar Rapids must enter into a Development Agreement with Abode Construction, Inc. for an amount not to exceed \$1,975,856; and

WHEREAS, Abode Construction, Inc. has agreed to accept all terms of Development Agreement, including the covenants and restrictions pertaining to affordability, for administration and acceptance of this grant.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Cedar Rapids, Iowa, that on behalf of the City of Cedar Rapids, the City Manager, or designee, is authorized to execute a Development Agreement, Mortgage, Promissory Note, Covenants and Restrictions, and all other necessary documentation required by IEDA in connection with IEDA Contract 20-DRH-001, for the property located on Lot 23, Foxtail Ridge, 1st Addition, with Abode Construction, Inc., and that the resolution and agreements be recorded in the Office of the Linn County Recorder.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

STATE OF IOWA)
) ss.
COUNTY OF LINN)

I, Alissa Van Sloten, City Clerk of the City of Cedar Rapids, Iowa, do hereby certify that the above and foregoing Resolution and attached documents are true and authentic documents of the City of Cedar Rapids, as full and complete as the same of record and on file in my office, on this 12th day of March, 2024.

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: CD - Housing

Director Contact: Jennifer Pratt – j.pratt@cedar-rapids.org – (319) 538-2552

Presenter at Meeting: Sara Buck

Description of Agenda Item: Purchases, contracts and agreements

Development Agreement and related documents with Abode Construction, Inc. for an amount not to exceed \$1,728,874 for property at Lot 1 through 14, Kirkwood Village, 2nd Addition, in connection with the Community Development Block Grant – Disaster Recovery Single-Family New Construction (ROOTs) Program (**Council Priority**)

CIP/DID #CDBG-DR-FY22

Council Priority: Affordable Housing

EnvisionCR Goal: StrengthenCR Goal 4: Create a city that is affordable and accessible to all members of the community.

Background: On December 2, 2022, the City of Cedar Rapids accepted applications for the Community Development Block Grant – Disaster Recovery (CDBG-DR) funding, made available in response to the August 10, 2020 derecho through the U.S. Department of Housing and Urban Development (HUD) and allocated to the Iowa Economic Development Authority (IEDA) for distribution.

IEDA awarded a Single-Family New Construction (ROOTs) project submitted by Abode Construction, Inc. located on Lots 1 through 14, Kirkwood Village, 2nd Addition. This project will provide 14 units of single-family housing, all of which are required to be affordable to low to moderate-income households.

IEDA awarded contract number 20-DRH-002 to the City of Cedar Rapids, who will administer the grant on behalf of Abode Construction, Inc.. Therefore, the City must enter into a Development Agreement with Abode Construction, Inc. in an amount not to exceed \$1,728,874 and execute all other agreements and documentation necessary as required for administration of this grant.

Recommended Action: City staff recommend adoption of the resolution.

Alternative: Table the resolution and request additional information.

Time Sensitivity: Contract delays will delay the start of construction.

Resolution Date: N/A

Budget Information: N/A

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable
Explanation:

Prepared By: City of Cedar Rapids 319-286-5060
Return To: City Clerk, 101 First Street SE, Cedar Rapids, IA 52401

RESOLUTION NO. LEG_NUM_TAG

RESOLUTION AUTHORIZING EXECUTION OF DEVELOPMENT
AGREEMENT, MORTGAGE, PROMISSORY NOTE,
COVENANTS AND RESTRICTIONS, AND ALL OTHER
DOCUMENTATION PER IEDA CONTRACT 20-DRH-002

WHEREAS, disaster recovery funding has been made available in response to the August 10, 2020 derecho through the U.S. Department of Housing and Urban Development (HUD), which has been allocated to the Iowa Economic Development Authority (IEDA) for distribution; and

WHEREAS, IEDA accepted applications for the Single-Family New Construction program and the City of Cedar Rapids submitted applications for projects within its jurisdiction, on the developers behalf; and

WHEREAS, IEDA has awarded contract number 20-DRH-002 to the City of Cedar Rapids, who will manage the grant on behalf of the developer, Abode Construction, Inc.; and

WHEREAS, this development will be located on Lots 1 - 14, Kirkwood Village, 2nd Addition and includes 14 units of single-family housing, all of which are required to be affordable to low to moderate-income households; and

WHEREAS, the City of Cedar Rapids must enter into a Development Agreement with Abode Construction, Inc. for an amount not to exceed \$1,728,874; and

WHEREAS, Abode Construction, Inc. has agreed to accept all terms of Development Agreement, including the covenants and restrictions pertaining to affordability, for administration and acceptance of this grant.

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Cedar Rapids, Iowa, that on behalf of the City of Cedar Rapids, the City Manager, or designee, is authorized to execute a Development Agreement, Mortgage, Promissory Note, Covenants and Restrictions, and all other necessary documentation required by IEDA in connection with IEDA Contract 20-DRH-002, for the property located on Lots 1-14, Kirkwood Village, 2nd Addition, with Abode Construction, Inc., and that the resolution and agreements be recorded in the Office of the Linn County Recorder.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

STATE OF IOWA)
) ss.
COUNTY OF LINN)

I, Alissa Van Sloten, City Clerk of the City of Cedar Rapids, Iowa, do hereby certify that the above and foregoing Resolution and attached documents are true and authentic documents of the City of Cedar Rapids, as full and complete as the same of record and on file in my office, on this 12th day of March, 2024.

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Development Services

Director Contact: Bill Micheel – w.micheel@cedar-rapids.org – (319) 286-5725

Presenter at Meeting: Tyrell Gingerich

Description of Agenda Item: CONSENT AGENDA

Resolution approving the reimbursement of \$77,000.00 to Newbo Lofts, LLC for a water main extension project along 4th St. SE.

CIP/DID #ASDP-032909-2022

Council Priority: Business-Friendly
EnvisionCR Goal: GrowCR Goal 2: Manage Growth.

Background: The City executed a Development Agreement (CD-0019-2016) with Newbo Lofts, LLC associated with the Newbo Lofts project (City file no. ASDP-032909-2022) which includes a reimbursement clause for a public water main extension along 4th St. SE for an amount not to exceed \$77,000.00. Reimbursements are recommended with allocations of \$18,812.90 out of 3018025-02 for the street improvements, and \$58,187.10 out of 6250051-201878 for the public water main improvements.

Recommended Action: City Development Services Department staff recommends approval of the resolution.

Alternative: City Council may table this item and request further information.

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: NA

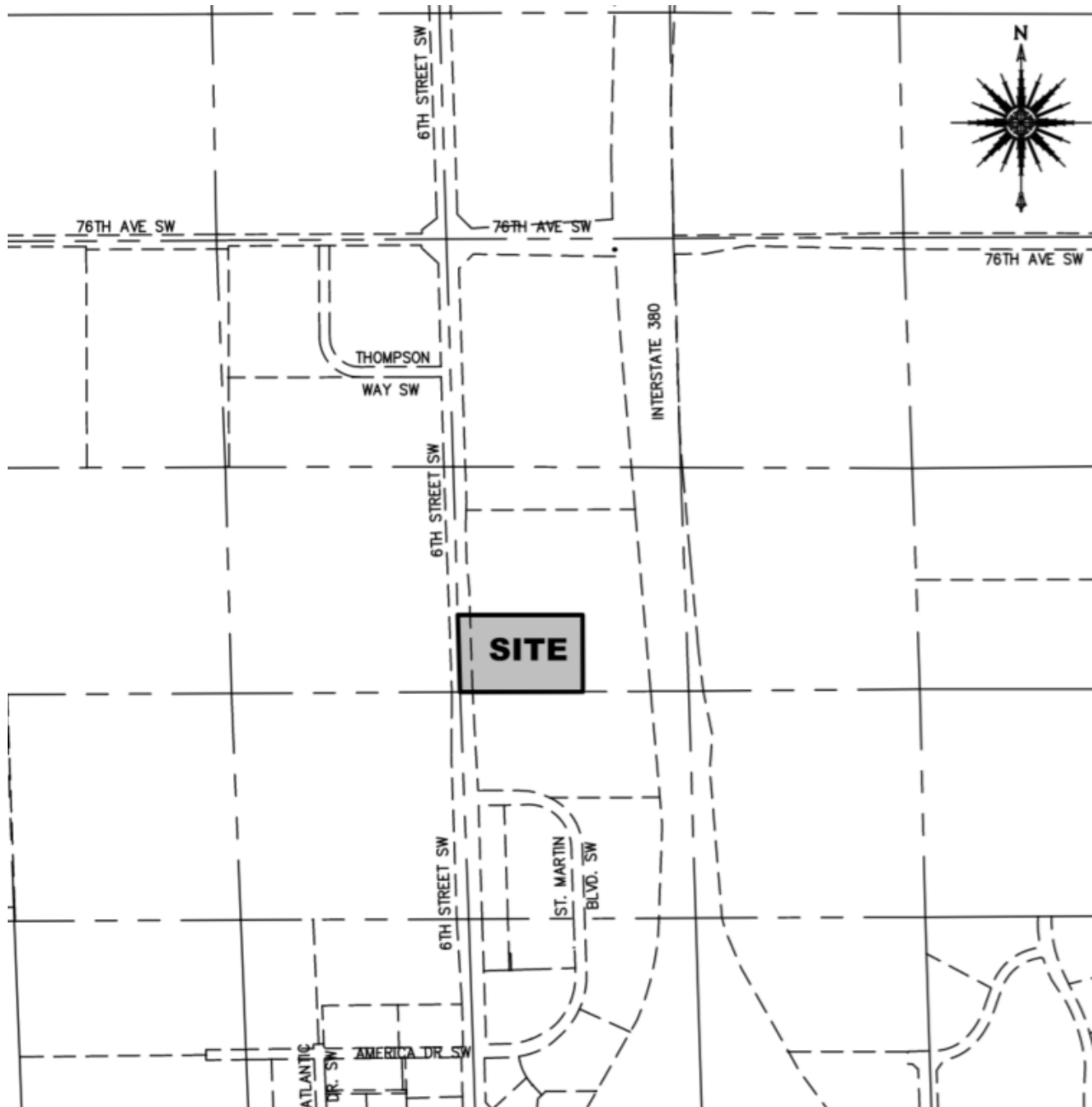
Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Not applicable

Explanation: NA

Location Map



RESOLUTION NO. LEG_NUM_TAG

WHEREAS, Newbo Lofts, LLC (DEVELOPER) submitted a site development plan (City file no. ASDP-032909-2022) and final plat (City file no. FLPT-032973-2022) for Lot 1 of Newbo Lofts First Addition that was approved by City Council Resolution No. 1130-07-23 on July 25th 2023, said Final Plat was recorded in Book 11521 Pages 82218-82240 in the Office of the Linn County Recorder (Recorder's Office), and

WHEREAS, the 4th Street SE Extension from 16th Avenue 300' East of 17th Avenue project scope previously included an 8-inch public water main extension required for the building service connection for the Newbo Lofts, and

WHEREAS, to better coordinate scheduled completion of the required site plan improvements, Amendment No. 2 to the Development Agreement between the City and the DEVELOPER was executed to modify the terms of the Minimum Improvements to include extension of the water main up to the building service connection in lieu of the City undertaking this work, and a reimbursement for this work not to exceed \$77,000.00 was approved by City Council Resolution No. 1791-11-22 on November 22, 2022, and

WHEREAS, the DEVELOPER has met applicable conditions for the water main reimbursement defined in Sections 3.9 and 3.10 of the Development Agreement, submitted invoices for the work performed, and CITY staff has determined that \$77,000.00 shall be reimbursed and distributed as follows: \$18,812.90 for the street improvements constructed, and that \$58,187.10 for the public water main improvements constructed, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the DEVELOPER shall be reimbursed in the amounts described above from the accounts noted above.

BE IT FURTHER RESOLVED, this reimbursement shall satisfy the condition as was documented in said Amendment No. 2 to the Development Agreement By and Between the CITY and DEVELOPER.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Fleet Services
Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: Amanda Grieder

Description of Agenda Item: Purchases, contracts and agreements
 Fleet Services Division purchase of 20 2024 Ford Police Interceptor utility vehicles from Stivers Ford for the Police Department for a total amount of \$891,590.
 CIP/DID #FLT148

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: These are budgeted FY 2025 fleet replacements for equipment which have exceeded their lifecycle and cost-effective life. The vehicle breakdown is as follows:

	Each	Extended
Police – Patrol (18)	\$44,569	\$802,242
Police – K9 (2)	\$44,674	\$89,348
Total		\$891,590

This purchase is from Stivers Ford of Waukeg, Iowa, the awarded vendor for State bid Contract #24051, “2024 Model Year Law Enforcement Vehicles”, as let by the Iowa Department of Administrative Services (DAS).

Fleet is requesting Council approval earlier than our normal timeline due to the long lead time it has been taking with supply chain issues and vehicle demand.

Recommended Action: The Fleet Services Division recommends approval of this resolution authorizing this purchase.

Alternative: If not approved, the expenses for the City and end-user will continue to escalate.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Fund 073, Dept ID 073000, Project 073001

Local Preference Policy: Not applicable

Explanation: n/a



Recommended by Council Committee: Not applicable

Explanation: n/a

RESOLUTION NO. LEG_NUM_TAG

WHEREAS the Fleet Services Division has solicited a quotation for the purchase of 20 model year 2024 Ford Police Interceptor utility vehicles for FY 2025 budgeted and scheduled fleet replacements for the Police Department, and

WHEREAS Stivers Ford of Waukee, Iowa, is the current holder of the State Bid Contract No. 24051 for "2024 Model Year Ford Law Enforcement Vehicles" as let by the Iowa Department of Administrative Services (DAS), and

WHEREAS the distribution of the vehicles is as follows:

	Each	Extended
Police – Patrol (18)	\$44,569	\$802,242
Police – K9 (2)	\$44,674	\$89,348
Total		\$891,590

, and

WHEREAS the Fleet Services Division recommends the purchase of said 2024 Ford Police Interceptor utility vehicles from Stivers Ford in the total amount of \$891,590.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the recommendation above be accepted subject to the terms and conditions of the bid documents.

BE IT FURTHER RESOLVED that the Fleet Services Division is hereby authorized to purchase the named vehicles from Stivers Ford as described herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Fleet Services

Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: n/a

Description of Agenda Item: Purchases, contracts and agreements

Resolution amending Resolution No. 0480-03-23 which authorized the City Manager to purchase vehicles and/or equipment for the Fleet Services Division from dealership lots in an amount not to exceed \$300,000 per item, by extending the authorization period through March 26, 2025.

CIP/DID #FLT099

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: On March 8, 2022, Resolution No. 0319-03-22 was approved by the Cedar Rapids City Council, authorizing the City Manager to purchase vehicles and/or equipment for the Fleet Services Division from dealership lots in an amount not to exceed \$300,000 per item through March 7, 2023.

Subsequently, on March 28, 2023, Resolution 0480-03-23 was approved, amending original resolution No. 0319-03-22 by extending the authorization period through March 28, 2024, due to continual difficulties in procuring needed vehicles/equipment.

The resolution was originally approved in 2022 to address the limited inventory of vehicles and equipment, production issues, supply issues, and other market factors initially brought on by the COVID-19 pandemic. Buyers turned to finding inventory on dealer lots; with the extreme competition, the City needed to be able to secure vehicles or equipment in a matter of days, rather than weeks.

The Fleet Services Division utilizes the Emergency Procurement Justification Protocol, justifying the need to quickly secure the vehicle/equipment from the dealership lot. The City Manager is then authorized (by Resolutions 0319-03-22 and 0480-03-23) to approve a purchase order for immediate purchase of vehicles/equipment on dealership lots. The Fleet Services Division then submits a resolution for the next available City Council meeting to formally approve the purchase.

The Fleet Services Division has been using this method and it has been working well, facilitating the purchase of many needed vehicles and equipment by the City Manager's ability to quickly issue purchase orders, so the dealership will hold the vehicle/equipment for the City's purchase.

The Fleet Services Division continues to experience shortages of vehicle/equipment inventory, delays in production and shortened ordering windows. Therefore, the Fleet Services Division requests amending Resolution No. 0480-03-23 to extend the authorization period for the City Manager to purchase vehicles and/or equipment for the Fleet Services Division from dealership lots via purchase orders through March 26, 2025.

Recommended Action: Fleet Services recommends amending Resolution No. 0480-03-23 to extend the authorization period through March 26, 2025.

Alternative: Continue with the current practice of getting bids and approvals through City Council Meetings prior to purchasing the vehicle / equipment. This method may result in the inability to secure needed vehicles and equipment.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Fund 073, Dept ID 073000

Local Preference Policy: Not applicable
Explanation:

Recommended by Council Committee: No
Explanation: n/a

RESOLUTION NO. LEG_NUM_TAG

WHEREAS Resolution No. 0319-03-22, passed March 8, 2022, authorized the City Manager to purchase vehicles and/or equipment for the Fleet Services Division from dealership lots in an amount not to exceed \$300,000 per item for the time period of March 8, 2022, through March 7, 2023, and

WHEREAS Resolution No. 0480-03-23, passed March 28, 2023, amended the original Resolution No. 0319-03-22 by extending the authorization period through March 28, 2024, and

WHEREAS the Fleet Services Division is still experiencing shortages of inventory and delays in production for the vehicles and equipment needed for the City to continue to provide needed services, necessitating Fleet Services to act quickly when vehicles or equipment become available, and

WHEREAS the Fleet Services Division is requesting an amendment of Resolution No. 0480-03-23, by extending the authorization period through March 26, 2025, to continue to facilitate the timely purchase of available vehicles and equipment needed for the City to continue to provide needed services, and

WHEREAS the Fleet Services Division recommends amending Resolution No. 0480-03-23, extending the authorization period through March 26, 2025, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Resolution No. 0480-03-23 be amended by extending the authorization period through March 26, 2025, and

BE IT FURTHER RESOLVED, the City Manager continue to be authorized to approve purchase orders as stated herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Hashim Taylor – h.taylor@cedar-rapids.org – (319) 304-0991

Presenter at Meeting: Dave Roe

Description of Agenda Item: Purchases, contracts and agreements

Amendment No. 6 to renew contract with Myers-Cox Co. for Food Concession Products for the Parks and Recreation Department for three years for an amount not to exceed \$360,000 (original contract amount was \$300,000; renewal contract amount is \$360,000).

CIP/DID #PUR0121-183FOOD

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: Proposals were solicited in 2021 for the Parks & Recreation Department for food and beverage concession products to be sold at municipal golf courses, pools, softball complexes and various vending machine areas. A Contract was awarded to Myers-Cox Co. to provide food products. Beverage products were awarded to another vendor under a separate Contract. The initial term of the contract was March 10, 2021 through February 29, 2024.

This Amendment No. 6 is to renew contract with Myers-Cox Co. for 3 years from March 1, 2024 through February 28, 2027 with one additional 3-year renewal option. Total purchases for the three-year renewal period will not exceed \$360,000 (\$120,000 annually).

History of Contract to Date:

Description	Authorization	Dates
Initial Term of Contract	Resolution No. 0420-03-21	03/10/2021 – 02/29/2024
Amendment No. 1 to adjust pricing	Signed by City 06/24/2021	Effective 05/13/2021
Amendment No. 2 to adjust pricing	Signed by City 03/23/2022	Effective 03/18/2022
Amendment No. 3 to adjust pricing	Signed by City 08/26/2022	Effective 08/01/2022
Amendment No. 4 to adjust pricing	Signed by City 03/31/2023	Effective 03/10/2023
Amendment No. 5 to adjust pricing	Signed by City 06/01/2023	Effective 05/23/2023
Amendment No. 6 to renew contract	Pending	03/01/2024 – 02/28/2027

Recommended Action: Authorize the City Manager and the City Clerk to execute Amendment No. 6 as described herein.

Alternative:

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Recreation and Golf operating budgets

Local Preference Policy: Yes

Explanation: Local preference applied when awarded in 2021 but did not impact award.

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Myers-Cox Co. are parties to a contract for the annual as-needed purchase of Food Concession Products for the Parks & Recreation Department; and

WHEREAS, both parties have agreed to renew the contract for an additional three-year period for an amount not to exceed \$360,000; and

WHEREAS, a summary of the contract is as follows:

Description	Authorization	Dates
Initial Term of Contract	Resolution No. 0420-03-21	03/10/2021 – 02/29/2024
Amendment No. 1 to adjust pricing	Signed by City 06/24/2021	Effective 05/13/2021
Amendment No. 2 to adjust pricing	Signed by City 03/23/2022	Effective 03/18/2022
Amendment No. 3 to adjust pricing	Signed by City 08/26/2022	Effective 08/01/2022
Amendment No. 4 to adjust pricing	Signed by City 03/31/2023	Effective 03/10/2023
Amendment No. 5 to adjust pricing	Signed by City 06/01/2023	Effective 05/23/2023
Amendment No. 6 to renew contract	Pending	03/01/2024 – 02/28/2027

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Amendment No. 6 to renew the contract as described herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Fleet Maintenance

Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: n/a

Description of Agenda Item: Purchases, contracts and agreements

Fleet Services Division purchase of three dump trucks equipped for winter operations for the Streets Division from Henderson Products Inc. in the total amount of \$944,097.
CIP/DID #FLT147

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: This is a budgeted FY 2025 fleet replacement for equipment which has exceeded their useful lifecycles and cost-effective lives. These three dump trucks are being equipped for Streets Division's specialized winter operations.

The costs for the 2025 Freightliner 108SD tandem-axle cab and chassis and specialized winter operations systems (consisting of a snowplow, mid-mount wing, spreader, direct liquid application and pre-wet system) are:

	<u>Each</u>	<u>Extended</u>
2025 Cab and Chassis (3)	\$125,592	\$376,776
Winter Operations systems (3)	\$189,107	\$567,321
Total.....	\$314,699	\$944,097

This purchase is from Henderson Products Inc., under the Sourcewell contract #080818-HPI, for "Snow and Ice Handling Equipment, Supplies and Accessories". The City of Cedar Rapids is a member of Sourcewell, which gives the City procurement rights using their contracted prices and vendors.

An approved Purchase Order has already been supplied to Henderson Products Inc for this purchase and the equipment has been ordered.

Normally, Fleet Services would follow the traditional agenda process timeline and wait for the resolution's approval, then secure a purchase order and order the equipment. However, the ordering window for the 2025 Freightliner 108SD would have closed if the traditional agenda process were followed; an Emergency Procurement Justification form was submitted and approved by the Program Manager.

The Emergency Procurement Justification protocol authorized Fleet Services to obtain and issue a purchase order to Henderson Products Inc. to order the equipment before the closing date of the ordering window.



Recommended Action: Fleet Services Division recommends approval of the resolution authorizing this purchase.

Alternative: If not approved, the expenses for the City and end-use will continue to escalate.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Fund 073, Dept ID 073000, Project 073002

Local Preference Policy: Not applicable

Explanation: n/a

Recommended by Council Committee: Not applicable

Explanation: n/a

RESOLUTION NO. LEG_NUM_TAG

WHEREAS the Fleet Services Division has solicited a quotation for the purchase of three dump trucks equipped for the Streets Division's specialized winter operations, consisting of 2025 Freightliner 108SD tandem-axle cab and chassis, and associated winter operations systems, for FY 2025 budgeted and scheduled fleet replacements for the Streets Division, and

WHEREAS the City of Cedar Rapids is a registered member of Sourcewell, allowing procurement rights using Sourcewell contracts, and

WHEREAS Henderson Products Inc. is the provider under Sourcewell's contract #080818-HPI for "Snow and Ice Handling Equipment, Supplies and Accessories" and can provide the requested equipment at the contracted price, and

WHEREAS the costs for the three dump trucks, equipped with specialized winter operations equipment of snowplow, mid-mount wing, spreader, direct liquid application and pre-wet systems, is as follows:

	Each	Extended
2025 Cab and Chassis (3).....	\$125,592	\$376,776
Winter Operations systems (3)	\$189,107	\$567,321
Total	\$314,699	\$944,097

, and

WHEREAS the Fleet Services Division recommends the purchase of said three dump trucks and associated systems from Henderson Products Inc. in the total amount of \$944,097.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the recommendation above be accepted subject to the terms and conditions of the bid documents, and

BE IT FURTHER RESOLVED that the Fleet Services Division is hereby authorized to purchase the named equipment from Henderson Products Inc. as described herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Roy Hesemann – r.hesemann@cedar-rapids.org – (319) 521-5752

Presenter at Meeting: Brian Heimer

Description of Agenda Item: Purchases, contracts and agreements

Amendment No. 3 to the contract with Crawford Quarry Company, Inc. for Storage of Lime Sludge for the City of Cedar Rapids to reflect the additional cost for additional work for an amount not to exceed \$35,000 (original contract amount was \$200,000; total contract amount with this amendment is \$235,000).

CIP/DID #PUR1021-116

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: Crawford Quarry Company Inc. possesses a Beneficial Use Designation from the IDNR to store lime sludge. Due to an increase in work, we are increasing the contract amount to \$235,000. The estimated amount of sludge is 30,000 tons. Crawford Quarry Company, Inc. will be compensated for the actual number of tons of sludge hauled to their site.

Recommended Action: Authorize the City Manager and the City Clerk to execute Amendment No. 3 as described herein.

Alternative:

Time Sensitivity: Medium

Resolution Date: March 14, 2024

Budget Information: 521108-6214-621001-62107

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: (Click here to select)

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Crawford Quarry Company, Inc. are parties to a contract for Storage of Lime Sludge for The City of Cedar Rapids; and

WHEREAS, both parties have agreed to amend the contract to reflect additional work in the amount of \$35,000 for a not-to-exceed contract total of \$235,000; and

WHEREAS, a history of the Contract is as follows:

Description	Authorization	Dates
Initial Term of Contract	Resolution No. 1950-21-21	01/01/2022-12/31/2022
Amendment No. 1 to renew Contract	Resolution No. 0049-01-23	01/01/2023-12/31/2023
Amendment No. 2 to renew Contract	Resolution No. 1741-11-23	01/01/2024-12/31/2024
Amendment No. 3 to add additional funds	Pending	Effective 02/01/2024

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Amendment No. 3 as described herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Shawn Smith – s.smith@cedar-rapids.org – (319) 286-5412

Presenter at Meeting: Sean Hanna

Description of Agenda Item: Purchases, contracts and agreements

Amendment No. 8 to the contract with USIC Locating Services, Inc. for Fiber Locating and Marking Services for the Information Technology Department to add \$30,000 for additional services (original contract amount was \$170,000; total contract amount with this amendment is \$200,000).

CIP/DID #PUR1117-079

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background:

This project is to provide locating and marking services for portions of the Joint Communications Network (JCN). The JCN is comprised of the City of Cedar Rapids, Cedar Rapids School District and Linn County.

USIC Locating Services, Inc was awarded the contract through Resolution 1698-12-17. This amendment increases the current contract amount by \$30,000 for a total contract amount of \$200,000 for the renewal period.

Action/Recommendation: Authorize the City Manager and the City Clerk to execute Amendment No. 8 as described herein.

Alternative Recommendation:

Time Sensitivity: medium

Resolution Date: March 12, 2024

Budget Information: 101-109000-251108

Local Preference Policy: Yes

Explanation: No local company provided a bid

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and USIC Locating Services, Inc. are parties to a contract for the as-needed fiber locating and marking services for the Information Technology Department; and

WHEREAS, both parties have agreed to amend the contract to increase the contract amount due to additional services being provided in the amount of \$30,000; and

WHEREAS, the annual not to exceed amount for this contract renewal period (01/01/2023-03/31/2024) shall increase from \$170,000 to \$200,000; and

WHEREAS, the history of the contract to date is as follows:

Original Contract	Resolution No. 1698-12-17	01/01/2018 - 12/31/2018
Amendment No. 1 to renew contract	Resolution No. 1578-12-18	01/01/2019 – 12/31/2019
Amendment No. 2 to renew contract	Resolution No. 1630-12-19	01/01/2020 – 12/31/2020
Amendment No. 3 to renew contract	Resolution No. 0052-01-21	01/01/2021 – 12/31/2021
Amendment No. 4 to renew contract	Resolution No. 0035-01-22	01/01/2022 – 12/31/2022
Amendment No. 5 to renew contract	Resolution No. 0044-01-23	01/01/2023 – 12/31/2023
Amendment No. 6 to extend contract	Signed by City 01/11/2024	Effective 01/01/2024
Amendment No. 7 to extend contract	Signed by City 02/05/2024	Effective 02/01/2024
Amendment No. 8 increase in volume of services	Pending	Effective 3/12/2024

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Amendment No. 8 to amend the contract as described herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Abhi Deshpande – a.deshpande@cedar-rapids.org – (319) 286-5097

Presenter at Meeting: Diane Muench

Description of Agenda Item: Purchases, contracts and agreements

Contract with Altorfer, Inc. for Citywide Generator Maintenance & Repair Services for a six-year contract period for an amount not to exceed \$731,760.

CIP/DID #PUR0224-209

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: Purchasing Services solicited bids for Citywide Generator Maintenance & Repair Services. Two vendors responded & Altorfer, Inc. was deemed the overall most responsive & responsible bidder.

The contract period is March 1, 2024 – February 28, 2030. There are no renewal options.

Bids received:

Contractor Name	Location	Firm Fixed Price
Altorfer, Inc.	Cedar Rapids, IA	\$731,760.00
Interstate Power Systems	Cedar Rapids, IA	\$1,231,166.22

Recommended Action: Authorize the City Manager & the City Clerk to execute the Contract as described herein.

Alternative:

Time Sensitivity: Medium

Resolution Date: March 12, 2024

Budget Information: Department budgets

Local Preference Policy: Yes

Explanation: Altorfer, Inc. is a certified local vendor

Recommended by Council Committee: No

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids Purchasing Services Division issued a Request for Bid for Citywide Generator Maintenance and Repair Services; and

WHEREAS, bids were received from two Contractors; and

WHEREAS, the recommendation is that the contract be awarded to Altorfer, Inc. as the overall lowest responsive and responsible bidder; and

WHEREAS, the contract period is for six years, from March 1, 2024 – February 28, 2030 in an amount not to exceed \$731,760; and

WHEREAS, the Eastern Iowa Airport also participated in this bid and will enter into a separate contract with Altorfer, Inc.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute the contract as described herein.

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Jennifer Pratt – j.pratt@cedar-rapids.org – (319) 538-2552

Presenter at Meeting: Sara Buck

Description of Agenda Item: Purchases, contracts and agreements

Amendment No. 5 to Contract with Terracon Consultants, Inc. for Phase I Environmental Site Assessments for the Community Development Department – Housing Services Division to add work in the amount of \$5,950 (original contract amount was \$18,650; total contract amount with this amendment is \$72,050).

CIP/DID #PUR0523-288

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background:

The Housing Services Division entered a contract with Terracon Consultants, Inc. for Phase 1 Environmental Site Assessments for an initial period of July 7, 2023 through September 30, 2023, for an amount of \$18,650.

Amendment No. 5 extends the contract through April 30, 2024 and adds work in the amount of \$5,950 as follows:

Property Description	Firm-Fixed Fee
2000 Mt. Vernon Rd. SE (CP Ventures) – Asbestos Survey	\$5,950
Total Amount for Amendment No. 5	\$5,950

Summary of contract to date:

	Price	Description
Original Contract	\$18,650	Signed by City 07/07/2023
Amendment No. 1	\$16,000	Volume of Work increased
Amendment No. 2	\$12,500	Volume of Work increased
Amendment No. 3	\$14,000	Volume of Work increased and extended through 01/31/2024
Amendment No. 4	\$4,950	Volume of Work increased and extended through 03/31/2024
Amendment No. 5	\$5,950	Volume of Work increased and extended through 04/30/2024
Total	\$72,050	Not to exceed, except by written amendment

Recommended Action: Authorize the City Manager and the City Clerk to execute Amendment No. 5 as described herein.

Alternative:

Time Sensitivity: Normal

Meeting Date: March 12, 2024

Budget Information: 521108-333-333710100-18524-333173

Local Preference Policy: No

Explanation: Does not apply due to federal funding.

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Terracon Consultants, Inc. are parties to a contract for Phase 1 Environmental Site Assessments for the Community Development Department – Housing Services Division; and

WHEREAS, both parties have agreed to amend the contract to reflect additional work in the amount of \$5,950; and

WHEREAS, a summary of the Contract is as follows:

	Price	Description
Original Contract	\$18,650	Signed by City 07/07/2023
Amendment No. 1	\$16,000	Volume of Work increased
Amendment No. 2	\$12,500	Volume of Work increased
Amendment No. 3	\$14,000	Volume of Work increased and extended through 01/31/2024
Amendment No. 4	\$4,950	Volume of Work increased and extended through 03/31/2024
Amendment No. 5	\$5,950	Volume of Work increased and extended through 04/30/2024
Total	\$72,050	Not to exceed, except by written amendment

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Amendment No. 5 as described herein.

PASSED_DAY_TAG

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Transit
Director Contact: Angie Charipar – a.charipar@cedar-rapids.org – (319) 286-5090

Presenter at Meeting: Brad DeBrower

Description of Agenda Item: Purchases, contracts and agreements
Purchase of two 35-foot, ADA-accessible, heavy-duty, low-floor diesel buses from Gillig for a cost of \$615,942 each for a total cost of \$1,231,884.

CIP/DID #TRN2024-02

Council Priority: Not applicable
EnvisionCR Goal: ConnectCR Goal 1: Provide choices for all transportation users: inter- and intra-city.

Background: The City has budgeted FY25 funds in CIP #665277 to purchase two 35-foot, ADA-accessible, heavy-duty, low-floor diesel buses for our fixed-route bus service. Federal funds will be secured to cover up to 80% of the cost of the buses. The vehicles will be purchased through the Washington State Transit Bus Cooperative Agreement between the State of Iowa and the State of Washington (RFP# 2020 06710-01). Gillig is an authorized vendor under the cooperative agreement.

Recommended Action: City staff recommends approval of the resolution.

Alternative: Council may table and request additional information.

Time Sensitivity: The production of these buses is scheduled to start within 16 months after the receipt of the purchase order.

Resolution Date: March 12, 2024

Budget Information: Funding is included in the FY25 budget in CIP #665277 – Heavy Duty Buses.

Local Preference Policy: Not applicable
Explanation: NA

Recommended by Council Committee: Not applicable
Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the Transit Division has a need to purchase heavy-duty buses for the Cedar Rapids Transit fixed-route bus service, and

WHEREAS, the Washington State Transit Bus Cooperative Agreement between the State of Iowa and the State of Washington (RFP# 2020 06710-01) is approved by the Iowa DOT for the purchase of rolling stock (buses) by Iowa public transit systems, and

WHEREAS, Gillig LLC is an authorized vendor under the cooperative agreement, and

WHEREAS, the funding for this purchase is included in the FY25 budget in CIP #665277;

WHEREAS, federal funds will be secured to cover up to 80% of the cost of buses;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Transit Division is authorized to purchase two 35-foot, ADA-accessible, heavy-duty, low-floor diesel buses from Gillig LLC for a cost of \$615,942 each for a total cost of \$1,231,884.

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Information Technology

Director Contact: Shawn Smith – s.smith@cedar-rapids.org – (319) 286-5412

Presenter at Meeting: Shawn Smith

Description of Agenda Item: CONSENT AGENDA

Amending Resolution No. 1535-10-23, which authorized the Information Technology Department to purchase OnBase software technical and professional services from Integrated Data Products, to add work for an amount not to exceed \$5,000 (original contract amount was \$20,000; total contract amount with this amendment is \$25,000).

CIP/DID #IT2023-017

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: OnBase is the City's Electronic Content Management solution. Integrated Data Products provides technical assistance in upgrades of the software and advanced workview, workflow, and electronic form design enabling departments to replace paper-based processes with digital processes.

Recommended Action: The Information Technology Department recommends approval for technical services with Integrated Data Products.

Alternative: NA

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: IT Department Budget

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids Information Technology Department has determined additional professional and technical services are needed with Integrated Data Products, and

WHEREAS, Integrated Data Products is a Partner with OnBase by Hyland which has a National contract with Omnia Partners for Software Solutions and Services, and

WHEREAS, the Information Technology Department has identified the need amend resolution 1535-10-23 to increase funding by \$5,000, and

WHEREAS, the total of the amended resolution is \$25,000, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Information Technology Department is authorized to purchase technical and professional services from Integrated Data Products, 172 Lindemann Drive, Iowa City, IA 52245 in an amount not to exceed \$5,000.

PASSED_DAY_TAG

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Hashim Taylor – h.taylor@cedar-rapids.org – (319) 304-0991

Presenter at Meeting: Dave Roe

Description of Agenda Item: Purchases, contracts and agreements

Amendment No. 1 to renew contract with Pepsi Beverages Company for Beverage Concession Products for the Parks and Recreation Department for three years for an amount not to exceed \$210,000 (original contract amount was \$300,000; renewal contract amount is \$210,000).

CIP/DID #PUR0121-183BEV

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: Proposals were solicited in 2021 for the Parks & Recreation Department for food and beverage concession products to be sold at municipal golf courses, pools, softball complexes and various vending machine areas. A Contract was awarded to Pepsi Beverages Company to provide beverage products. Food products were awarded to another vendor under a separate Contract. The initial term of the contract was March 10, 2021 through February 29, 2024.

This Amendment No. 1 is to renew contract with Pepsi Beverages Company for 3 years from March 1, 2024 through February 28, 2027 with one additional 3-year renewal option. Total purchases for the three-year renewal period will not exceed \$210,000 (\$70,000 annually).

History of Contract to Date:

Description	Authorization	Dates
Initial Term of Contract	Resolution No. 0421-03-21	03/10/2021 – 02/29/2024
Amendment No. 1 to renew Contract	Pending	03/01/2024 – 02/28/2027

Recommended Action: Authorize the City Manager and the City Clerk to execute Amendment No. 1 as described herein.

Alternative:

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Recreation and Golf operating budgets

Local Preference Policy: Yes

Explanation: Local preference applied when awarded in 2021 but did not impact award.

Recommended by Council Committee: Not applicable
Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Pepsi Beverages Company are parties to a contract for the annual as-needed purchase of Beverage Concession Products for the Parks & Recreation Department; and

WHEREAS, both parties have agreed to renew the contract for an additional three-year period for an amount not to exceed \$210,000; and

WHEREAS, a summary of the contract is as follows:

Description	Authorization	Dates
Initial Term of Contract	Resolution No. 0421-03-21	03/10/2021 – 02/29/2024
Amendment No. 1 to renew Contract	Pending	03/01/2024 – 02/28/2027

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Amendment No. 1 to renew the contract as described herein.

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Chris Whalen

Description of Agenda Item: Purchases, contracts and agreements

Amendment No. 4 to renew contract with Universal Field Services, Inc. for Right of Way Acquisition Support Services for the Public Works Real Estate / Right of Way Division for two years for an amount not to exceed \$150,000 (original contract amount was \$150,000; renewal contract amount is \$150,000).

CIP/DID #PUR0120-157

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: Universal Field Services provides right of way acquisition support services for the Public Works Real Estate / Right of Way Division. Amendment No. 4 renews the contract for the period of April 1, 2024 through March 31, 2026 for two years for an amount not to exceed \$150,000 (\$75,000 annually).

History of Contract to Date:

Description	Authorization	Dates
Initial Term of Contract	Resolution No. 0402-04-20	04/01/2020 – 03/31/2022
Amendment No. 1 to add Services	Resolution No. 0045-01-21	Effective 12/01/2020
Amendment No. 2 to add Services	Resolution No. 0747-05-21	Effective 03/01/2021
Amendment No. 3 to renew Contract	Resolution No. 0397-03-22	04/01/2022 – 03/31/2024
Amendment No. 4 to renew Contract	Pending	04/01/2024 – 03/31/2026

Action/Recommendation: Authorize the City Manager and the City Clerk to execute Amendment No. 4 as described herein.

Alternative:

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301, 325 and 655 - charged to various CIP projects

Local Preference Policy: Yes

Explanation: Local preference points were added to the score for the one local vendor but did not change the results of the 2020 RFP process.

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Universal Field Services, Inc. are parties to a contract for the annual as-needed purchase of right of way acquisition support services for the Public Works Real Estate / Right of Way Division; and

WHEREAS, both parties have agreed to renew the contract for an additional two-year period for an amount not to exceed \$150,000 (\$75,000 annually); and

WHEREAS, a summary of the contract is as follows:

Description	Authorization	Dates
Initial Term of Contract	Resolution No. 0402-04-20	04/01/2020 – 03/31/2022
Amendment No. 1 to add Services	Resolution No. 0045-01-21	Effective 12/01/2020
Amendment No. 2 to add Services	Resolution No. 0747-05-21	Effective 03/01/2021
Amendment No. 3 to renew Contract	Resolution No. 0397-03-22	04/01/2022 – 03/31/2024
Amendment No. 4 to renew Contract	Pending	04/01/2024 – 03/31/2026

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Amendment No. 4 to renew the contract as described herein.

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Abhi Deshpande – a.deshpande@cedar-rapids.org – (319) 286-5097

Presenter at Meeting: Rebecca Johnson

Description of Agenda Item: Purchases, contracts and agreements

Amendment No. 4 to contract with Level 10 Apparel for as-needed purchases of t-shirts by various City departments for an annual amount not to exceed \$60,000 (original contract amount was \$45,000; renewal contract amount is \$60,000).

CIP/DID #PUR0221-217

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The City requested bids in 2021 for the purchase of t-shirts by various City departments on an as-need basis. The contract was awarded to Apparel 1 as the lowest bidder for the initial period of April 1, 2021 through March 31, 2022 and renewed through March 31, 2023.

Apparel 1 was sold and the City's contract has been assigned to the new owner, Level 10 Apparel. Amendment No. 4 is to renew the contract with Level 10 Apparel for the period of April 1, 2024 through March 31, 2025. The contract allows for one additional one-year renewal option.

T-shirts are purchased by various departments for employee uniform shirts, by the Parks and Recreation Department for staff and program participants, and for other events as needed.

History of Contract to date:

Description	Authorization	Dates
Initial Term of Contract	Signed by City 04/16/2021	04/01/2021 – 03/31/2022
Amendment No. 1 to add items	Signed by City 07/02/2021	Effective 04/01/2021
Amendment No. 2 renew Contract	Signed by City 03/11/2022	04/01/2022 – 03/31/2023
Assignment from Apparel 1 to Level 10 Apparel		Effective 03/08/2023
Amendment No. 3 renew Contract	Signed by City 03/31/2023	04/01/2023 – 03/31/2024
Amendment No. 4 renew Contract	Pending	04/01/2024 – 03/31/2025

Action/Recommendation: Authorize the City Manager and the City Clerk to execute Amendment No. 4 as described herein.

Alternative:

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Each department is responsible to include in their budget as needed.

Local Preference Policy: Yes

Explanation: Local preference was applied for this contract at the time it was awarded in 2021 but did not impact award because only local vendors responded to the RFB. Level 10 Apparel is also a local vendor.

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Level 10 Apparel are parties to a contract for the annual as-needed purchase of t-shirts for various City departments; and

WHEREAS, both parties have agreed to renew the contract for an additional one-year period for an annual amount not to exceed \$60,000; and

WHEREAS, a summary of the contract is as follows:

Description	Authorization	Dates
Initial Term of Contract	Signed by City 04/16/2021	04/01/2021 – 03/31/2022
Amendment No. 1 to add items	Signed by City 07/02/2021	Effective 04/01/2021
Amendment No. 2 renew Contract	Signed by City 03/11/2022	04/01/2022 – 03/31/2023
Assignment from Apparel 1 to Level 10 Apparel		Effective 03/08/2023
Amendment No. 3 renew Contract	Signed by City 03/31/2023	04/01/2023 – 03/31/2024
Amendment No. 4 renew Contract	Pending	04/01/2024 – 03/31/2025

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Amendment No. 4 to renew the contract as described herein.

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Angie Charipar – a.charipar@cedar-rapids.org – (319) 286-5090

Presenter at Meeting: Brad DeBrower

Description of Agenda Item: Purchases, contracts and agreements

Amendment No. 4 to Contract with Ride Systems for GPS System for Bus Tracking for the Transit Division to reflect an additional amount of \$55,550 for the replacement of automatic passenger counters on 18 buses (original contract amount was \$259,500; total contract amount with this amendment is \$119,150).

CIP/DID #0614-210

Council Priority: Not applicable

EnvisionCR Goal: ConnectCR Goal 1: Provide choices for all transportation users: inter- and intra-city.

Background: Proposals were solicited on behalf of the Transit Division in 2014 for a GPS System for Bus Tracking and a contract was executed with Ride Systems for the initial contract period of three years ending January 31, 2018. The total expenditure for the initial three-year period was \$259,500.

Amendment No. 4 increases the amount for the current renewal period (02/01/2024 – 01/31/2025) in the amount of \$55,550 for the replacement of obsolete automatic passenger counters (APC) with new counters in 18 buses as follows:

Item	Description	Quantity	Unit Price	Extended Price
H-103	APC Hella APS-R 2-Door	18	\$2,300	\$41,400
P-103	Installation of APC	18	\$425	\$7,650
P-120	Setup Fee for APC	1	\$6,500	\$6,500
Total amount for Amendment No. 4:				\$55,550

Summary of Contract Renewal Period (02/01/2024 – 01/31/2025):

	Price	Description
Amendment No. 3	\$ 63,600	Resolution No. 0117-01-24
Amendment No. 4	\$55,550	Replacement of APC in 18 buses
Total	\$119,150	Not to exceed, except by written amendment

History of contract to date:

Description	Authorization	Dates
Initial Term of Contract	Resolution No. 0084-01-15	01/16/2015 – 01/31/2018
Amendment No. 1 to renew Contract	Resolution No. 0278-02-18	02/01/2018 – 01/31/2021
Amendment No. 2 to renew Contract	Resolution No. 0584-04-21	02/01/2021 – 01/31/2024
Amendment No. 3 to renew Contract	Resolution No. 0117-01-24	02/01/2024 – 01/31/2025
Amendment No. 4 to add new APC	Pending	Effective 03/13/2024

Recommended Action: Authorize the City Manager and the City Clerk to execute Amendment No. 4 as described herein.

Alternative:

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 665-665000-665290

Local Preference Policy: Yes

Explanation: Local preference applied when RFP was evaluated in 2014 but there were no local bidders

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Ride Systems are parties to a contract for the GPS System for Bus Tracking for the Transit Division; and

WHEREAS, both parties have agreed to amend the contract to reflect the replacement of automatic passenger counters (APC) in 18 buses in the amount of \$55,550; and

WHEREAS, the annual not to exceed amount for this contract renewal period (02/01/2024 – 01/31/2025) shall increase from \$63,600 to \$119,150; and

WHEREAS, the history of the contract to date is as follows:

Description	Authorization	Dates
Initial Term of Contract	Resolution No. 0084-01-15	01/16/2015 – 01/31/2018
Amendment No. 1 to renew Contract	Resolution No. 0278-02-18	02/01/2018 – 01/31/2021
Amendment No. 2 to renew Contract	Resolution No. 0584-04-21	02/01/2021 – 01/31/2024
Amendment No. 3 to renew Contract	Resolution No. 0117-01-24	02/01/2024 – 01/31/2025
Amendment No. 4 to add new APC	Pending	Effective 03/13/2024

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Amendment No. 4 to amend the contract as described herein.

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Information Technology

Director Contact: Shawn Smith – s.smith@cedar-rapids.org – (319) 286-5412

Presenter at Meeting: Mark Freeze

Description of Agenda Item: Purchases, contracts and agreements

Resolution authorizing the purchase of one year maintenance and support for PeopleSoft Human Capital Management Software from Mythics for \$96,018.45.

CIP/DID #IT2024-003

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: PeopleSoft Human Resource Software is used for the city's payroll and benefit system. The Human Resource, Finance, and Information Technology Departments have identified a need to maintain PeopleSoft Human Capital Management Software to perform needed business functions. Maintenance support for the software is needed and one year of support will be purchased. This purchase is being made off of the Mythics License and Services Agreement – MLSA Version 0319.

Recommended Action: City staff recommends approval of the resolution.

Alternative: No system with maintenance and support.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 103120

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, The City uses PeopleSoft Human Resource Management Software for the payroll and benefit systems, and

WHEREAS, the Human Resource, Finance, and Information Technology Departments have identified the need for updated software maintenance and support to perform business functions, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Information Technology Department is authorized to purchase one year of maintenance support from Mythics, 4525 Main Street, Suite 1500, Virginia Beach, VA 23462 for \$96,018.45.

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Fleet Maintenance
Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: Amanda Grieder

Description of Agenda Item: Purchases, contracts and agreements
 Fleet Services Division purchase of four recycling trucks for the Solid Waste Division from Kilburg Equipment LLC in the total amount of \$1,611,436.80.
CIP/DID #FLT146

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: This is a budgeted FY 2025 fleet replacement for existing Solid Waste Division units 2-662, 2-663, 2-667 and 2-669 which have exceeded their useful lifecycles and cost-effective lives.

All units will have a 2025 Freightliner M2 chassis. The recycling trucks are 2024 Labrie Experts, 33 cubic yard units. All trucks will be equipped with a long reach Helping Hand arm, dual sit-down drive, cart tipper, crusher panel, lighting, 3rd Eye camera system, joystick, and other components to perform Solid Waste operations.

The purchase will be from Kilburg Equipment LLC, of Sabula, Iowa, utilizing contracted pricing under Sourcewell Contract 110223-LEG for “Waste Collection Vehicles”, held by Labrie Environmental Group. Kilburg Equipment LLC is an authorized Iowa Labrie distributor under this Sourcewell Contract. The City of Cedar Rapids is a member of the procurement group Sourcewell, which gives the City procurement rights using their contracted prices and vendors.

The total cost for all four trucks is \$1,611,436.80, broken down as follows:

	<u>Each</u>	<u>Extended</u>
2024 Labrie Expert body (4).....	\$264,877.20	\$1,059,508.80
2025 Freightliner M2 chassis (4)	\$132,340.00	\$529,360.00
<u>Freight (4)</u>	<u>\$5,642.00</u>	<u>\$22,568.00</u>
Total Costs:	\$402,859.20	\$1,611,436.80

An approved Purchase Order has already been supplied to Kilburg for this purchase and the equipment has been ordered.

Normally, Fleet Services would follow the traditional agenda process timeline and wait for the resolution’s approval and then secure a purchase order and order the equipment. However, the ordering window for the 2025 Freightliner M2 chassis would have closed if the traditional agenda



process were followed; an Emergency Procurement Justification form was submitted and approved by the Program Manager.

The approved Emergency Procurement Justification protocol authorized Fleet Services to obtain and issue a purchase order to Kilburg to order the equipment before the closing date of the ordering window.

Recommended Action: Fleet Services recommends approval of the resolution authorizing this purchase.

Alternative: If not approved, the expenses for the City and end-user will continue to escalate.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Fund 073, Dept ID 073000, Project 073002

Local Preference Policy: Not applicable

Explanation: n/a

Recommended by Council Committee: Not applicable

Explanation: n/a

RESOLUTION NO. LEG_NUM_TAG

WHEREAS the Fleet Services Division has solicited a quotation for the purchase of four recycling trucks for FY 2025 budgeted and scheduled fleet replacements for the Solid Waste Division, and

WHEREAS the purchase will be from Kilburg Equipment LLC, of Sabula, Iowa, utilizing contracted pricing under Sourcewell Contract 110223-LEG for "Waste Collection Vehicles", held by Labrie Environmental Group, and

WHEREAS Kilburg Equipment LLC is an authorized Iowa Labrie distributor under this Sourcewell Contract and will provide the quoted equipment at the contract price, and

WHEREAS the purchase price for the four recycling trucks is broken down as follows:

	<u>Each</u>	<u>Extended</u>
2024 Labrie Expert body (4)	\$264,877.20	\$1,059,508.80
2025 Freightliner M2 chassis (4)	\$132,340.00	\$529,360.00
<u>Freight (4)</u>	<u>\$5,642.00</u>	<u>.....\$22,568.00</u>
Total costs:	\$402,859.20	\$1,611,436.80

, and

WHEREAS the Fleet Services Division recommends the purchase of said recycling trucks from Kilburg Equipment LLC in the total amount of \$1,611,436.80.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, the recommendation above be accepted subject to the terms and conditions of the bid documents, and

BE IT FURTHER RESOLVED the Fleet Services division is hereby authorized to purchase the named equipment from Kilburg Equipment LLC as described herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Information Technology

Director Contact: Shawn Smith – s.smith@cedar-rapids.org – (319) 286-5412

Presenter at Meeting: Sean Hanna

Description of Agenda Item: Purchases, contracts and agreements

Emergency contract with Price Industrial Electrical, Inc for Joint Communication Network Emergency Maintenance Services for the Information Technology Department for an amount not to exceed \$200,000.

CIP/DID #IT2024-004

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The Information Technology Department has identified the emergent need to select a new contractor for the Joint Communication Network (JCN) Emergency Maintenance Services. A new vendor was determined necessary due to the immediate termination of a current contract. A contractor needs to be available for emergency work when the fiber is damaged and loss of connectivity is experienced.

A contract with Price Industrial Electrical, Inc has been prepared for work from February 12, 2024 through June 30, 2024 for an amount not to exceed \$200,000.

These services are initially paid for the City then partially billed to Linn County and the Cedar Rapids Community School District in accordance with the 28E Agreement the three entities, which documents that maintenance of the JCN is a shared expense.

Recommended Action: Authorize the City Manager and the City Clerk to execute the contract as described herein.

Alternative:

Time Sensitivity: Medium

Resolution Date: March 12, 2024

Budget Information: 521108-101-109051

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, The Information Technology Department has identified the emergent need to contract a new vendor for Joint Communication Network (JCN) Emergency Maintenance Services, and

WHEREAS, Price Industrial Electric, Inc was selected for a contract period of February 12, 2024 through June 30, 2024 for an amount not to exceed \$200,000; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, the City Manager and the City Clerk are authorized to execute the contract as described herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Fleet Services

Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: n/a

Description of Agenda Item: Purchases, contracts and agreements

Fleet Services Division purchase of two hybrid sedans for the Building Services Division from Cedar Rapids Toyota Inc in the total amount of \$50,528.

CIP/DID #FLT149

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: These are budgeted FY 2024 fleet replacements for equipment which have exceeded their useful lifecycles and cost-effective lives.

The City's Purchasing division sought out bids from dealers for two hybrid sedans, with no responses. Due to this, the search was broadened for vehicles on a dealership lot.

Two 2024 Toyota Corolla Hybrid LE sedans were found in inventory at Cedar Rapids Toyota Inc in Cedar Rapids. Their individual costs are \$25,364 and \$25,164, for a total purchase price of \$50,528.

Normally, the Fleet Services Division would follow the normal council agenda approval process, wait for the resolution's approval, obtain an approved purchase order, then order or purchase the vehicle/equipment. Due to ongoing shortages, significant delays in vehicle appropriations and competition for available vehicles/equipment, it has become necessary at times to expedite the purchase process to secure the vehicles/equipment. The Emergency Procurement Justification protocol was developed to address this need. Additionally, Resolution No. 0480-03-23 authorizes the City Manager to purchase vehicles/equipment in an immediate manner on behalf of the Fleet Services Division by issuing an approved Purchase Order to the vendor for the desired vehicle/equipment, in an amount not to exceed \$300,000 per item.

For this purchase of two 2024 Toyota Corolla Hybrid LE sedans from Cedar Rapids Toyota Inc, Fleet Services utilized the Emergency Procurement Justification protocol, receiving approval by the Program Manager on February 28, 2024. At the time of this council submittal, Fleet Services is awaiting the approved purchase order authorized by the City Manager; once approved, Fleet Services will move forward to secure the two sedans.

Recommended Action: The Fleet Services Division recommends approval of this resolution authorizing the purchase of two 2024 Toyota Corolla Hybrid LE sedans from Cedar Rapids Toyota Inc in the total amount of \$50,528.

Alternative: If not approved, the expenses for the City and end-user will continue to escalate; should the City not be able to secure these vehicles, there is the risk of having to wait another year for replacement vehicles, during the next ordering window.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Fund 073, Dept ID 073000, Project 073001

Local Preference Policy: Not applicable

Explanation: n/a

Recommended by Council Committee: Not applicable

Explanation: n/a

RESOLUTION NO. LEG_NUM_TAG

WHEREAS the Fleet Services Division has solicited a quotation for the purchase of two hybrid sedans for FY 2024 budgeted and scheduled fleet replacement for the Building Services Division, and

WHEREAS there were no responses received from dealers, prompting the Fleet Services Division to broaden the search, locating two 2024 Toyota Corolla Hybrid LE sedans in inventory at Cedar Rapids Toyota Inc., individually priced at \$25,364 and \$25,164, for a total purchase amount of \$50,528, and

WHEREAS due to limited availability and great competition for available equipment, an Emergency Procurement Justification form was submitted by the Fleet Services Division and approved by the Program Manager on February 28, 2024, approving the purchase of the two 2024 Toyota Corolla Hybrid LE sedans from Cedar Rapids Toyota Inc in the total amount of \$50,528, and

WHEREAS the Fleet Services Division recommends the purchase of two 2024 Toyota Corolla Hybrid LE sedans from Cedar Rapids Toyota Inc. in the total amount of \$50,528.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the recommendation above be accepted subject to the terms and conditions of the quote.

BE IT FURTHER RESOLVED that the Fleet Services Division is hereby authorized to purchase the named equipment from Cedar Rapids Toyota Inc.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing
Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Brian McLeod

Description of Agenda Item: Purchases, contracts and agreements
 Streets Division purchase of 1400 American Steel Baskets from Logan Contractor Supply in the amount of \$70,560.
CIP/DID PUR#0124-189

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: Purchasing Services solicited bids on behalf of the Streets Division for American Steel Baskets for the 2024 Construction Season. Bids were received from two Vendors. Logan Contractor Supply was the lowest, most responsive bidder.

Vendor	Location	Firm Fixed Unit Price	Qty	Extended Price
Logan Contractor Supply	Urbandale, IA	\$50.40	1400	\$70,560
Construction Materials, Inc.	Cedar Rapids, IA	\$58.80	1400	\$82,320

Recommended Action: Authorize the Streets Division to make the purchase as described herein.

Alternative:

Time Sensitivity: Medium

Resolution Date: March 12, 2024

Budget Information: Various Project Numbers

Local Preference Policy: Not applicable
Explanation:

Recommended by Council Committee: Not applicable
Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids Purchasing Services Division issued a Request for Bid for the as-needed purchase of American Steel Baskets on behalf of the Streets Division; and

WHEREAS bids were received from two (2) Vendors; and

WHEREAS, the Streets Division recommends that this bid be awarded to Logan Contractor Supply as the overall lowest responsive and responsible bidder in the amount of \$70,560.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the Streets Division is authorized to purchase the American Steel Baskets as described herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser

Description of Agenda Item: Purchases, contracts and agreements

Resolution authorizing execution of Amendment No. 2 to the Professional Services Agreement with HDR Engineering, Inc. specifying an increased amount not to exceed \$95,809 for engineering services in connection with the Downtown River Wall Improvements – Phase II: Repairs and Monitoring project (original contract amount was \$223,233; total contract amount with this amendment is \$319,042).

CIP/DID#322503-02 (**Council Priority**)

Council Priority: FCS/Greenway
EnvisionCR Goal: ProtectCR Goal 1: Protect Cedar Rapids from flooding and other hazards.

Background: This Amendment will complete the plans and specifications for repairing the river wall and replacing river wall railing adjacent to City Hall. The scope will also include the review and approval process for salvaging portions of the existing concrete balustrade on top of the river wall and relocating them on or near the City Hall parcel. Reviews would occur by the State Historical Preservation Office (SHPO) and the City's Historical Preservation Commission (HPC). Construction would occur in coordination with the upcoming Flood Control System for Downtown.

Recommended Action: The Public Works Department recommends adoption of the resolution authorizing execution of Amendment No. 2 of the Professional Services Agreement with HDR Engineering, Inc. specifying an increased amount not to exceed \$95,809.

Alternative: Defer project, however this would negatively impact coordination and schedule for the upcoming Flood Control System project.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 322/322000/322503, NA

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids entered into a Professional Services Agreement with HDR Engineering, Inc. on May 26, 2020, and

WHEREAS, the City desires to amend the Scope of Services and the Schedule,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and City Clerk are authorized to sign Amendment No. 2 to the Professional Services Agreement with HDR Engineering, Inc. in the amount of \$95,809 for the Downtown River Wall Improvements - Phase II: Repairs and Monitoring (322503-02). A summary of the contract amendments for this contract is as follows:

Original Contract Amount:	\$223,233
Amendment No. 1	\$0
Amendment No. 2	\$95,809
Amended Contract Amount	\$319,042

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

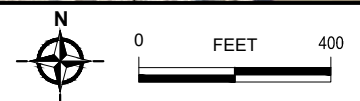
ClerkSignature



Cadd File Name: W:\PROJECTS\CI\322 Riverwall\322503 - 2019 Riverwall Evaluation\322503 Council Map.dwg



**DOWNTOWN RIVER WALL
IMPROVEMENTS - PHASE II PROJECT**





Council Agenda Item Cover Sheet

Submitting Department: Water Pollution Control

Director Contact: Roy Hesemann – r.hesemann@cedar-rapids.org – (319) 521-5752

Presenter at Meeting: Roy Hesemann

Description of Agenda Item: Purchases, contracts and agreements

Amendment No. 3 to the Professional Services Agreement with HDR Engineering, Inc. for an amount not to exceed \$23,450 for the WPC CAS Wet Well Pumping Improvements project (original contract amount was \$250,000; total contract amount with this amendment is \$323,450).

CIP/DID #6150049-01

Council Priority: Not applicable
EnvisionCR Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: The Cedar Rapids Water Pollution Control Facility has a wetwell that is used to collect biosolids created in the treatment of wastewater in the carbonaceous activate sludge, or CAS, system. A large portion of these solids are recycled and fed back into the wastewater treatment process to improve the efficiency of the waste removal; a small portion of the biosolids are sent to the Incinerator to be destroyed.

The CAS wetwell has been in continuous operation since the plant was brought online in the 1979/1980 timeframe. Over time the concrete that the wetwell is constructed from has experienced significant corrosion.

During repairs, the engineers from HDR Engineering performed additional construction phase services related to pump motor replacements and provided two Submittal Exchange subscription extensions with Oracle that were not covered in the original scope of services or contract Amendments No.1 and No. 2.

Recommended Action: The Utilities Department – Water Pollution Control Division staff recommends approving the amendment to the contract with HDR Engineering, Inc. in the amount of \$23,450 for the WPC CAS Wet Well Pumping Improvements project and that the City Manager and City Clerk be authorized to execute said Agreement.

Alternative: None

Time Sensitivity: 03-12-24

Resolution Date: 03-12-24

Budget Information: 553000-615-615000-x-x-6150049-NA.



Local Preference Policy: Not applicable

Explanation: N/A

Recommended by Council Committee: Not applicable

Explanation: N/A

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City Manager approved a Professional Services Agreement with HDR Engineering, Inc. for the WPC CAS Wet Well Pumping Improvements project (Contract No. 6150049-01) on November 19, 2019, and

WHEREAS, during repairs, the engineers from HDR Engineering performed additional construction phase services related to pump motor replacements and provided two Submittal Exchange subscription extensions with Oracle that were not covered in the original scope of services or contract Amendments No. 1 and No. 2, and

WHEREAS, the additional construction phase services are for an amount not to exceed \$23,450, and

WHEREAS, the WPC Division staff recommends approval of Amendment No. 3, to the Professional Services Agreement with HDR Engineering, Inc. for an amount not to exceed \$23,450 for the WPC CAS Wet Well Pumping Improvements project (Contract No. 6150049-01), and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Amendment No. 3 to the Professional Services Agreement with HDR Engineering, Inc., for an amount not to exceed \$23,450 for the WPC CAS Wet Well Pumping Improvements project (Contract No. 6150049-01) be hereby approved and the City Manager and City Clerk be authorized to execute said amendment. The original contract amount was \$250,000; total contract amount with this amendment is \$323,450.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Resolution authorizing execution of a Professional Services Agreement with Snyder & Associates, Inc. for an amount not to exceed \$318,700 for design services in connection with the 12th Avenue SW Storm Sewer Improvements project.

CIP/DID #304556-01

Council Priority: Not applicable
EnvisionCR Goal: ProtectCR Goal 1: Protect Cedar Rapids from flooding and other hazards.

Background: This project, located in the Czech Village Watershed, was identified in the City's Stormwater Master Plan to reduce flooding risk in the neighborhood surrounding 12th Avenue SW and M Street. The neighborhood has been designated as a Repetitive Loss Area due to the history of flood insurance claims surrounding the project area. The project includes storm sewer capacity improvements along 12th Avenue SW, M Street SW, and 13th Avenue SW. Full-width roadway improvements are also anticipated along the sewer alignment.

Recommended Action: The Public Works Department recommends adopting the resolution authorizing execution of a professional services agreement with Snyder & Associates, Inc.

Alternative: The City of Cedar Rapids does not currently have the staff resources to design this project internally. The alternatives are to delay a project City staff is currently designing or delay the project until City Staff has the resources available to proceed with design.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 304/304000/304556, NA

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City Engineer has determined it is in the best interest of the City to outsource some professional services relating to the project below, and

WHEREAS, the City Engineer has determined Snyder & Associates, Inc. is qualified to provide those services and they are able to perform those services in a timely manner for an amount not to exceed \$318,700, and

WHEREAS, the City Engineer recommends the City enter into Contract No. 304556-01 with the firm noted herein, and

WHEREAS, the City Council has allocated funds for 12th Avenue SW Storm Sewer Improvements project (304556 NA),

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and City Clerk are hereby authorized to execute the contract for the services noted herein.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

Cadd File Name: W:\PROJECTS\CP\0404556 12th Ave SW fr 4th St to 380\0404556 Council Map.dwg





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 15 in the amount of \$1,934.50 with Boomerang Corp. for the 1st Street NW/SW Flood Control System from E Avenue NW to 2nd Avenue SW project (original contract amount was \$8,852,304; total contract amount with this amendment is \$9,672,945.58) **(Council Priority)**.

CIP/DID #3312510-30

Council Priority: FCS/Greenway
EnvisionCR Element/Goal: ProtectCR Goal 1: Protect Cedar Rapids from flooding and other hazards.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

Predominant Reason for CCO: Constructed quantities differ from the estimate.

Recommended Action: The Public Works Department recommends approval of Change Order No. 15 submitted by Boomerang Corp.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Iowa Flood Mitigation Funds

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 15 in the amount of \$1,934.50 with Boomerang Corp. for the 1st Street NW/SW Flood Control System from E Avenue NW to 2nd Avenue SW, Contract No. 3312510-30. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$8,817,304.00
Original Incentive Value	35,000.00
Change Order No. 1	17,301.81
Change Order No. 2	33,199.97
Change Order No. 3	70,397.46
Change Order No. 4	10,876.50
Change Order No. 5	51,169.00
Change Order No. 6	85,314.58
Change Order No. 7	127,836.82
Change Order No. 8	11,110.00
Change Order No. 9	13,212.50
Change Order No. 10	255,951.95
Change Order No. 11	26,207.92
Change Order No. 12	28,255.49
Change Order No. 13	2,408.00
Change Order No. 14	85,465.08
Change Order No. 15	<u>1,934.50</u>
Amended Contract Amount	\$9,672,945.58

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

Project Location





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order Nos. 17 and 18 for a total amount of \$183,135.31 with Boomerang Corp. for the Ellis Boulevard and 6th Street NW Connector project (original contract amount was \$6,357,840.10; total contract amount with this amendment is \$7,101,480.78) **(Paving for Progress)**.

CIP/DID #301963-03

Council Priority: Not applicable
EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: This is a contract change order (CCO) to adjust the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions.

CCO 17

- 0070: Subgrade stabilization at 1st Ave W and 5th St for new pavement and change grades to allow positive stormwater drainage.
- 0260: Intakes at 1st Ave W and 5th St to allow positive stormwater drainage.
- 0290, 0300: Manhole adjustments at 1st Ave W and 5th St.
- 0350: Storm pipe at 1st Ave W and 5th St to allow positive stormwater drainage.
- 0470: Pavement removal at 1st Ave W and 5th St to add new pavement and change grades to allow positive stormwater drainage.
- 0490, 0500: Replacement of ADA ramps and sidewalks damaged by the public.
- 0540: Curb and Gutter at 1st Ave W and 5th St to allow positive stormwater drainage.
- 0040, 0130, 0550, 0560, 0570, 0650, 0680: Plan tabulation error. Payment based upon field measurements.
- 0760, 0770, 0820: Pavement markings added at 1st Ave W and 5th St.
- 1310: Seeding quantity overrun.
- 1320: Replacement of damaged sod.
- 1330, 1380, 1390, 1410: Quantity overrun for erosion and sediment controls.
- 8014: Deduction for unauthorized lane closures.
- 8020: Mulching quantity overrun.

- 8038: Deduction for not providing written notice prior to closing the additional travel lanes on 1st Ave W without written authorization.
- 8039: Furnish and install additional traffic signal pedestal at 1st Ave W and 5th St.
- 8040: Reimbursement of railroad flagger costs in excess of \$700 per day per Iowa DOT DS-15067.
- 8041: Removal of railroad crossing symbols and legends.
- 8042: Watering for the trees installed tabulated in the contract documents.

CCO 18:

- 0020: Additional grading was required at 3rd St NW and E Ave NW in order to facilitate traffic flow and remove portions of a street that was abandoned.
- 0070: Additional modified subbase needed on 3rd St NW after the sewer work to restore the road back to a traveled way.
- 0080: Modified subbase had to be added back to restore the road back to a traveled way.
- 0100: Captures rework required by the contractor to fix rutting caused by vehicles of the traveling public at 1st Ave W and 6th St SW and Otis Rd RR Crossing.
- 0130: Altered the 8" PCC turning radius at Ellis Blvd and E Ave NW to allow for vehicles to enter the roundabout easier and reduce the turning effort.
- 0230, 0250, 0480, 0490: Plan tabulation error. Payment based on field measurements.
- 0510: ITC 14 corrected a plan tabulation error discovered within the contract documents adding 100.8 SY of additional quantity at F Ave NW and Ellis Blvd.
- 0540, 0550, 0650: Plan quantity overrun. Payment based on field measurements.
- 0660, 0670, 0680: Plan tabulation error. Payment based on field measurements.
- 0760, 0770, 0790, 0820, 0830, 1330: Plan quantity overrun. Payment based on field measurements.
- 1450: Four trees were added to the project to be transplanted onto Ellis Blvd from 1st Ave W to B Ave NW.
- 8002: Quantities were tabulated incorrectly between Divisions 1, 2, and 5. This change only redistributes the appropriate quantities under the correct divisions, respectively.
- 8003, 8004: Quantities were tabulated incorrectly between Divisions 1, 2, 4, and 5 for items 8003 and 8004. This change only redistributes the appropriate quantities under the correct divisions, respectively.
- 8018: Plan quantity overrun. Payment based on field measurements.

Recommended Action: The Public Works Department recommends approval of Change Order Nos. 17 and 18 submitted by Boomerang Corp.

Alternative: Do not approve change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/301963 SLOST 625/625000/625884/2018059 301987

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order Nos. 17 and 18 for a total amount of \$183,135.31 with Boomerang Corp. for the Ellis Boulevard and 6th Street NW Connector, Contract No. 301963-03. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$6,357,840.10
Change Order No. 1	34,794.89
Change Order No. 2	7,305.32
Change Order No. 3	11,737.55
Change Order No. 4	83,055.31
Change Order No. 5	38,434.25
Change Order No. 6	47,851.30
Change Order No. 7	7,464.00
Change Order No. 8	17,293.60
Change Order No. 9	350.00
Change Order No. 10	21,307.16
Change Order No. 11	86,875.75
Change Order No. 12	1,650.88
Change Order No. 13	10,353.32
Change Order No. 14	31,911.83
Change Order No. 15	55,326.48
Change Order No. 16	104,793.73
Change Order No. 17	118,153.12
Change Order No. 18	<u>64,982.19</u>
Amended Contract Value	\$7,101,480.78

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 5 in the amount of \$19,270 with Boomerang Corp. for the Middle McCloud Run Advanced Grading project (original contract amount was 2,646,566.50; total contract amount with this amendment is \$3,254,607.66) **(Council Priority)**.

CIP/DID #3314551-01

Council Priority: FCS/Greenway

EnvisionCR Element/Goal: ProtectCR Goal 1: Protect Cedar Rapids from flooding and other hazards.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

- **Item 8004:** Additional SWPPP inspections are needed until item 8005 is completed and the USACE project assumes control of the site. (RFC #6).
- **Item 8005:** The manhole vault for the sanitary sewer plug valve from the previous project was installed 4' too close to the proposed floodwall footing alignment. The work includes removing the manhole top, barrel sections, and areas of the base necessary to not interfere with the proposed pile driving operations (primarily outside the vertical face of both sides of the pipe/valve), also includes backfilling. The existing plug valve will be directly buried and have a valve box and extension installed. The valve box top will need to be adjustable to accommodate any necessary adjustment for the future splash pad. (RFC #7) Completion date of the additional work is March 1, 2024.

Predominant Reason for CCO: Unforeseen site conditions

Recommended Action: The Public Works Department recommends approval of Change Order No. 5 submitted by Boomerang Corp.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 331/331100/3314551, GO Bonds

Local Preference Policy: NA
Explanation: NA

Recommended by Council Committee: NA
Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 5 in the amount of \$19,270.00 with Boomerang Corp. for the Middle McCloud Run Advanced Grading project, Contract No. 3314551-01. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$2,646,566.50
Change Order No. 1	25,507.00
Change Order No. 2	496,340.00
Change Order No. 3	5,538.16
Change Order No. 4	61,386.00
Change Order No. 5	<u>19,270.00</u>
Amended Contract Amount	\$3,254,607.66

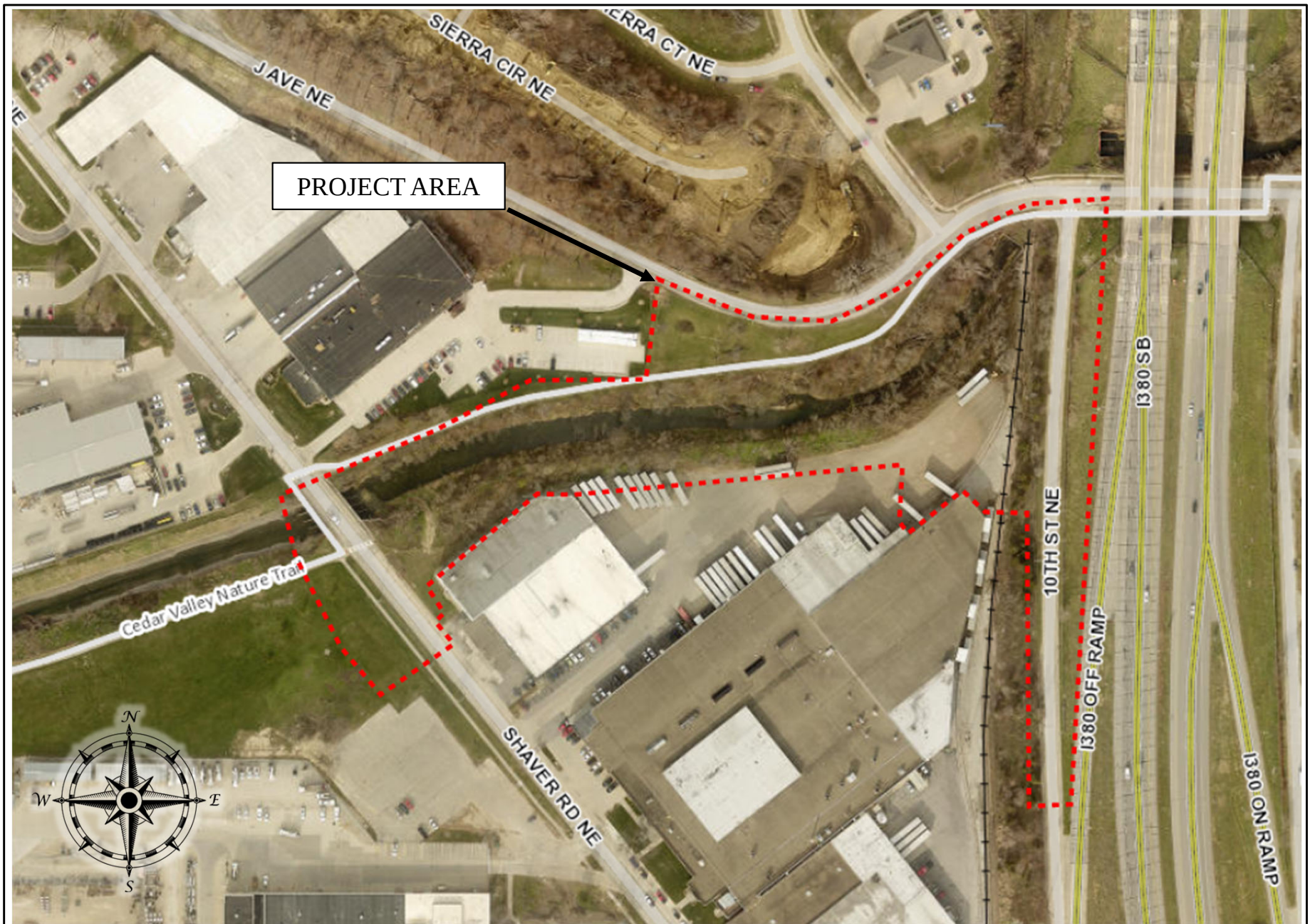
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MayorSignature

Attest:

ClerkSignature



McCloud Run Advanced Grading Project from Shaver Road NE to J Avenue NE



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Jennifer Pratt – j.pratt@cedar-rapids.org – (319) 538-2552

Presenter at Meeting: Sara Buck

Description of Agenda Item: Purchases, contracts and agreements

Change Order No. 9 in the amount of \$2,068.02 with Garling Construction, Inc. for the Colonial Building Renovation project (original contract amount was \$5,124,000; total contract amount with this amendment is \$5,639,047.73).

CIP/DID PUR1222-125, 353060

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The City of Cedar Rapids entered into a contract with Garling Construction, Inc. for the Colonial Building Renovation project in the amount of \$5,124,000. Change Order No. 9 is for the scope changes listed below for an additional net amount of \$2,068.02.

No.	Description	Price
COR 039	Credit for landscaping fabric not used under mulch	\$(300.00)
COR 040	Testing and inspection services throughout project	\$2,368.02
Total amount for this Change Order No. 9:		\$2,068.02

Summary of Contract to Date:

	Price	Description
Original Contract	\$5,124,000.00	Resolution No. 0271-02-23
Change Order No. 1	\$38,858.79	COR 001R-004 to add work; extend through 12/29/23
Change Order No. 2	\$(14,288.34)	CORs 005R, 008-010 for scope changes
Change Order No. 3	\$139,762.55	CORs 006R2 and 014 for scope changes
Change Order No. 4	\$304,037.93	CORs 007,011-012,016-020 & 022-023 for scope changes and extension through 03/15/2024
Change Order No. 5	\$3,178.10	CORs 024-025 for scope changes
Change Order No. 6	\$4,251.91	CORs 021, 029R, 030, 032, 034 for scope changes
Change Order No. 7	\$37,178.77	CORs 028R, 031R, 035, 036R, 037, 038 for scope changes
Change Order No. 8	\$0.00	COR 041 to add milestone and extend through 05/31/2024
Change Order No. 9	\$2,068.02	CORs 039, 040 for scope changes
Total	\$5,639,047.73	Not to exceed, except by written authorization

Recommended Action: Authorize the City Manager and the City Clerk to execute Change Order No. 9 as described herein.

Alternative:

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: HUD Grant; 353-353440-353060

Local Preference Policy: Not applicable

Explanation: Public Improvement Project

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Garling Construction, Inc. are parties to a contract for the Colonial Building Renovation project for the Community Development Department – Housing Services Division; and

WHEREAS, both parties have agreed to amend the contract to reflect additional labor and materials for the following:

No.	Description	Price
COR 039	Credit for landscaping fabric not used under mulch	\$(300.00)
COR 040	Testing and inspection services throughout project	\$2,368.02
Total amount for this Change Order No. 9:		\$2,068.02

AND WHEREAS a summary of the Contract is as follows:

	Price	Description
Original Contract	\$5,124,000.00	Resolution No. 0271-02-23
Change Order No. 1	\$38,858.79	COR 001R-004 to add work; extend through 12/29/23
Change Order No. 2	\$(14,288.34)	CORs 005R, 008-010 for scope changes
Change Order No. 3	\$139,762.55	CORs 006R2 and 014 for scope changes
Change Order No. 4	\$304,037.93	CORs 007,011-012,016-020 & 022-023 for scope changes and extension through 03/15/2024
Change Order No. 5	\$3,178.10	CORs 024-025 for scope changes
Change Order No. 6	\$4,251.91	CORs 021, 029R, 030, 032, 034 for scope changes
Change Order No. 7	\$37,178.77	CORs 028R, 031R, 035, 036R, 037, 038 for scope changes
Change Order No. 8	\$0.00	COR 041 to add milestone and extend through 05/31/2024
Change Order No. 9	\$2,068.02	CORs 039, 040 for scope changes
Total	\$5,639,047.73	Not to exceed, except by written authorization

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Change Order No. 9 to amend the contract as described herein.

PASSED_DAY_TAG

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 3 deducting the amount of \$14,600.17 with L.L. Pelling Co. for the East Post Road SE from North of Bever Avenue to South of Indian Creek Bridge project (original contract amount was \$619,886.05; total contract amount with this amendment is \$664,659.70) **(Paving for Progress)**.

CIP/DID #3012404-02

Council Priority: Not applicable
EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: This is a contract change order to adjust the contract price based on the actual quantities of completed work. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions.

Predominant Reason for CCO: Constructed quantities differ from the estimate

Recommended Action: The Public Works Department recommends approval of Change Order No. 3 submitted by L.L. Pelling Co.

Alternative: If Council does not approve the change order, payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/3012404 SLOST

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 3 deducting the amount of \$14,600.17 with L.L. Pelling Co. for the East Post Road SE from North of Bever Avenue to South of Indian Creek Bridge, Contract No. 3012404-02. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$619,886.05
Change Order No. 1	33,447.76
Change Order No. 2	25,926.06
Change Order No. 3	<u>(14,600.17)</u>
Amended Contract Amount	\$664,659.70

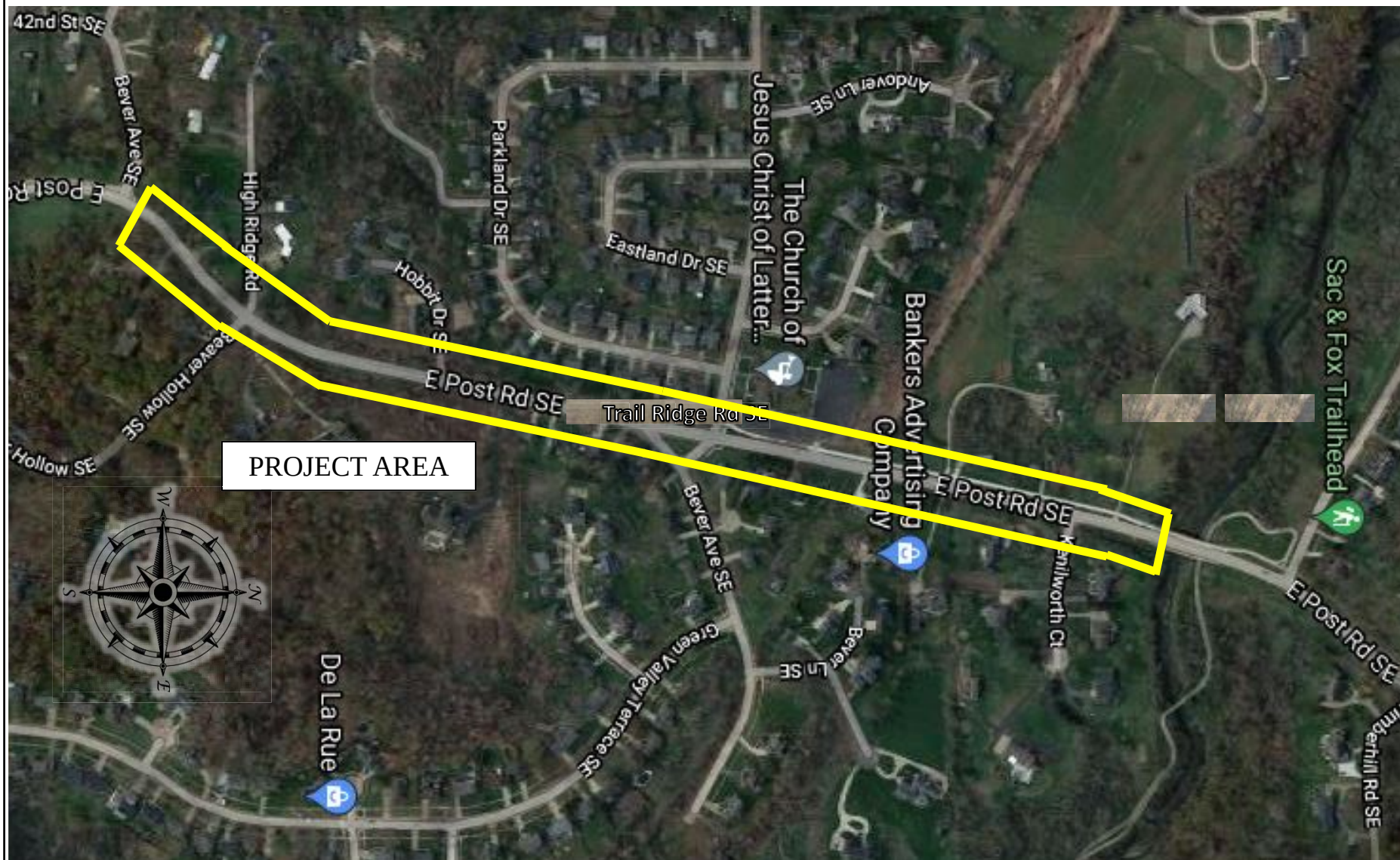
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MayorSignature

Attest:

ClerkSignature





Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: Jeff Koffron

Description of Agenda Item: Purchases, contracts and agreements

Change Order No. 2 in the amount of \$800 with Minturn, Inc. for the Repair of City Hall East Stairs project (original contract amount was \$324,000; total contract amount with this amendment is \$385,656.76).

CIP/DID #PUR0823-050, 3604030

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The City of Cedar Rapids entered into a contract with Minturn, Inc. for the Repair of City Hall East Stairs project in the amount of \$324,000 approved via Resolution No. 1571-10-23. Change Order No. 1 added items in the amount of \$60,856.76.

Items for Change Order No. 2 are as follows:

No.	Description	Price
COR #5	Change sidewalk thickness from 4" to 5 ½"	\$800
Change Order No 2:		\$800

Action/Recommendation: Authorize the City Manager and the City Clerk to execute the Change Order No. 2 as described herein.

Alternative Recommendation:

Time Sensitivity: medium

Resolution Date: March 12, 2024

Budget Information: 3604030

Local Preference Policy: No

Explanation: Public Improvement Project

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Minturn, Inc. are parties to a contract for Repair of City Hall East Stairs for the Facility Maintenance Services Division; and

WHEREAS, both parties have agreed to amend the contract to reflect additional items added to the contract in the amount of \$800; and

WHEREAS a summary of the Contract is as follows:

Original Contract	Resolution No. 1571-10-23	\$324,000.00
Change Order No. 1	Resolution No. 0271-02-24	\$60,856.76
Change Order No. 2	Pending	\$800.00
Total, not to exceed except by written change order		\$385,656.76

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Change Order No. 2 to amend the contract as described herein.

PASSED_DAY_TAG

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: Jeff Koffron

Description of Agenda Item: Purchases, contracts and agreements

Change Order No. 12 in the amount of \$34,617.66 with Peak Construction Group Inc. for the ADA Compliance – Cedar Rapids Transit, Ground Transportation Center, and Animal Care & Control project (original contract amount was \$521,800; total contract amount with this amendment is \$861,546.40). CIP/DID #PUR0121-176; 665289

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: The City of Cedar Rapids entered into a contract with Peak Construction Group Inc. for the ADA Compliance – Cedar Rapids Transit, Ground Transportation Center, and Animal Care & Control project in the amount of \$521,800. Change Order No. 12 adds labor and materials for the item listed below for a total additional amount of \$34,617.66.

No.	Description	Project #	Price
COR 023	Additional concrete work at Ground Transportation Center	665289	\$34,617.66
Total amount for this Change Order No. 12 not to exceed:			\$34,617.66

Summary of Contract to Date:

	Price	Description
Original Contract	\$521,800.00	Resolution No. 0314-02-21
Change Order No. 1	\$32,540.14	Add labor and materials for COR 001-002
Change Order No. 2	\$29,720.23	Add labor and materials for COR 004
Change Order No. 3	\$4,422.59	Add scope for COR005,007-010 extend through 12/31/21
Change Order No. 4	\$6,921.21	Add labor and materials for COR 011
Change Order No. 5	\$3,610.48	Add labor and materials for COR 012 and 013
Change Order No. 6	\$0.00	Extend contract through 6/30/2022
Change Order No. 7	\$20,011.18	Add labor/materials for COR014, extend through 8/31/22
Change Order No. 8	\$2,985.34	Add labor and materials for COR 015, 016, 017 and 020
Change Order No. 9	\$7,861.97	Add materials for COR 021
Change Order No. 10	\$197,055.60	Add scope for COR019R2, 022R1; extend through 11/15/23
Change Order No. 11	\$0.00	Extend contract through 02/15/2024
Change Order No. 12	\$34,617.66	Add labor and materials for COR 023
Total	\$861,546.40	Not to exceed, except by written amendment

Recommended Action: Authorize the City Manager and the City Clerk to execute Change Order No. 12 as described herein.

Alternative:

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 665289

Local Preference Policy: No

Explanation: Public Improvement Project

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids and Peak Construction Group Inc. are parties to a contract for the ADA Compliance – Cedar Rapids Transit, Ground Transportation Center, and Animal Care & Control project for the Facilities Maintenance Division; and

WHEREAS, both parties have agreed to amend the contract to reflect additional labor and materials for the following:

No.	Description	Project #	Price
COR 023	Additional concrete work at Ground Transportation Center	665289	\$34,617.66
Total amount for this Change Order No. 12 not to exceed:			\$34,617.66

AND WHEREAS a summary of the Contract is as follows:

	Price	Description
Original Contract	\$521,800.00	Resolution No. 0314-02-21
Change Order No. 1	\$32,540.14	Add labor and materials for COR 001-002
Change Order No. 2	\$29,720.23	Add labor and materials for COR 004
Change Order No. 3	\$4,422.59	Add scope for COR005,007-010 extend through 12/31/21
Change Order No. 4	\$6,921.21	Add labor and materials for COR 011
Change Order No. 5	\$3,610.48	Add labor and materials for COR 012 and 013
Change Order No. 6	\$0.00	Extend contract through 6/30/2022
Change Order No. 7	\$20,011.18	Add labor/materials for COR014, extend through 8/31/22
Change Order No. 8	\$2,985.34	Add labor and materials for COR 015, 016, 017 and 020
Change Order No. 9	\$7,861.97	Add materials for COR 021
Change Order No. 10	\$197,055.60	Add scope for COR019R2, 022R1; extend through 11/15/23
Change Order No. 11	\$0.00	Extend contract through 02/15/2024
Change Order No. 12	\$34,617.66	Add labor and materials for COR 023
Total	\$861,546.40	Not to exceed, except by written amendment

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Change Order No. 12 to amend the contract as described herein.

PASSED_DAY_TAG

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MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 8 in the amount of \$5,201.78 with Pirc-Tobin Construction, Inc. for the Cedar River Trail SE Reconstruction, CRANDIC Railroad to 16th Avenue project (original contract amount was \$655,010.05; total contract amount with this amendment is \$804,300.06) **(Council Priority)**.

CIP/DID #3316510-72

Council Priority: FCS/Greenway
EnvisionCR Element/Goal: ProtectCR Goal 1: Protect Cedar Rapids from flooding and other hazards.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

- Work Change Directive (WCD) #5 – Item 8012: The trumpet sculpture that was temporarily located at the corner of 2nd St SE and 16th Ave was dismantled and transported to the front entrance of the African American Museum where it was permanently re-installed.

Predominant Reason for CCO: City changing the scope

Recommended Action: The Public Works Department recommends approval of Change Order No. 8 submitted by Pirc-Tobin Construction, Inc.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: Iowa Flood Mitigation Funds

Local Preference Policy: NA

Explanation: This is a Capital Improvement Project

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 8 in the amount of \$5,201.78 with Pirc-Tobin Construction, Inc. for the Cedar River Trail SE Reconstruction, CRANDIC Railroad to 16th Avenue, Contract No. 3316510-72. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$640,010.05
Original Incentive Value	15,000.00
Change Order No. 1	97,887.52
Change Order No. 2	432.00
Change Order No. 3	10,295.50
Change Order No. 4	21,608.06
Change Order No. 5	3,133.15
Change Order No. 6	5,982.50
Change Order No. 7	4,749.50
Change Order No. 8	<u>5,201.78</u>
Amended Contract Amount	\$804,300.06

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MayorSignature

Attest:

ClerkSignature

Key Facts about Project

- Cedar River Trail Reconstruction
- Trail Upgrade from 10 foot to 12 foot wide
- Project coordinated with other area projects
- Trail traffic will detour from 12th Avenue to 8th Avenue during construction





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 7 in the amount of \$1,650 with Pirc-Tobin Construction, Inc. for the Mount Vernon Road SE from 14th Street to 20th Street Pavement Improvements project (original contract amount was \$7,877,664.14; total contract amount with this amendment is \$8,078,813.34). **(Paving for Progress).**

CIP/DID #3012149-05

Council Priority: Not applicable
EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

- Work Change Directive (WCD) #4, Item 8021: This item includes installing three (3) post tubular markers and shifting the traffic barrier rail under the direction of the Cedar Rapids Traffic Engineering Department.

Predominant Reason for CCO: City changing the scope

Recommended Action: The Public Works Department recommends approval of Change Order No. 7 submitted by Pirc-Tobin Construction, Inc.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/3010000/3012149 SLOST; 301/3010000/3019546 NA; 625/6250000/6250051-2016036 NA; 655/6550000/6550029 NA

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 7 in the amount of \$1,650 with Pirc-Tobin Construction, Inc. for the Mount Vernon Road SE from 14th Street to 20th Street Pavement Improvements, Contract No. 3012149-05. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$7,762,664.14
Original Incentive Value	115,000.00
Change Order No. 1	1,200.00
Change Order No. 2	86,782.06
Change Order No. 3	59,520.00
Change Order No. 4	3,212.50
Change Order No. 5	8,388.20
Change Order No. 6	40,396.44
Change Order No. 7	<u>1,650.00</u>
Amended Contract Amount	\$8,078,813.34

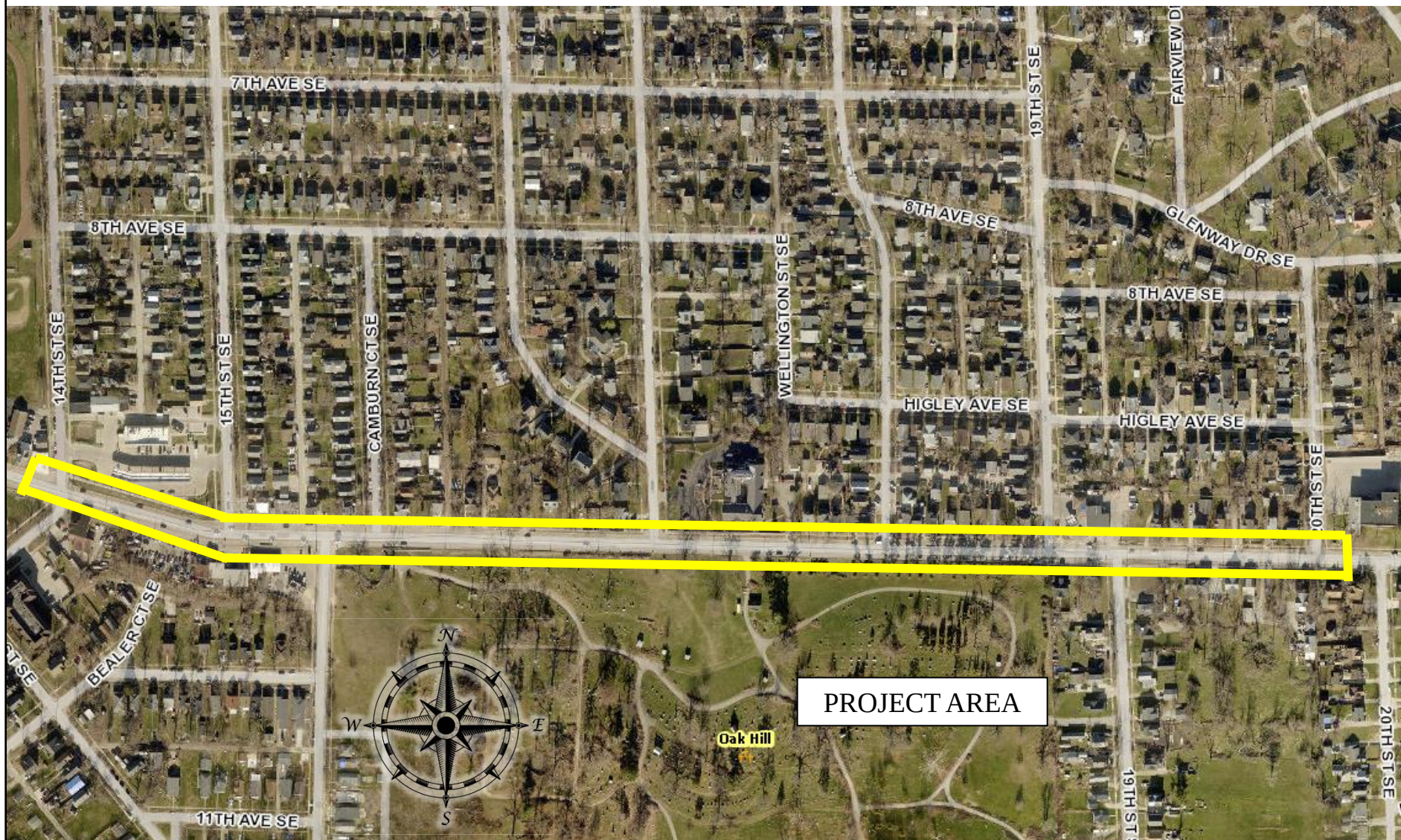
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MayorSignature

Attest:

ClerkSignature





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 19 in the amount of \$1,000 with Rathje Construction Co. for the 1st Avenue E and 1st Street NE Temporary Traffic Signal and Pavement Improvements project (original contract amount was \$500,925.14; total contract amount with this amendment is \$699,874.16) **(Council Priority)**.

CIP/DID #3315510-67

Council Priority: FCS/Greenway
EnvisionCR Element/Goal: ProtectCR Goal 1: Protect Cedar Rapids from flooding and other hazards.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

Predominant Reason for CCO: Additional time for contractor to operate temporary signals.

Recommended Action: The Public Works Department recommends approval of Change Order No. 19 submitted by Rathje Construction Co.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: CIP No. 3315510 – \$415,000 General Obligation Bonds

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 19 in the amount of \$1,000 with Rathje Construction Co. for the 1st Avenue E and 1st Street NE Temporary Traffic Signal and Pavement Improvements, Contract No. 3315510-67. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$495,925.14
Original Incentive Value	5,000.00
Change Order No. 1	1,925.38
Change Order No. 2	150,686.75
Change Order No. 3	1,400.00
Change Order No. 4	8,415.00
Change Order No. 5	22,521.89
Change Order No. 6	1,000.00
Change Order No. 7	1,000.00
Change Order No. 8	1,000.00
Change Order No. 9	1,000.00
Change Order No. 10	1,000.00
Change Order No. 11	1,000.00
Change Order No. 12	1,000.00
Change Order No. 13	1,000.00
Change Order No. 14	1,000.00
Change Order No. 15	1,000.00
Change Order No. 16	1,000.00
Change Order No. 17	1,000.00
Change Order No. 18	1,000.00
Change Order No. 19	<u>1,000.00</u>
Amended Contract Amount	\$699,874.16

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MayorSignature

Attest:

ClerkSignature

Project Map – 1st Avenue E and 1st Street NE Temporary Traffic Signal and Pavement Improvements





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 8 in the amount of \$2,864.76 with Rathje Construction Co. for the 1st Avenue W from 18th Street to 10th Street Pavement Rehabilitation and Traffic Signal Improvements project (original contract amount was \$3,795,065.14; total contract amount with this amendment is \$4,242,507.47).

CIP/DID #3018002-02

Council Priority: Not applicable

EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

- Additional Push Button Work was added to the scope of the original scope. This was added due to the existing areas needing to be brought into compliance with other ADA improvements.

Predominant Reason for CCO: City changed scope.

Recommended Action: The Public Works Department recommends approval of Change Order No. 8 submitted by Rathje Construction Co.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/3018002, NA, SLOST

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 8 in the amount of \$2,864.76 with Rathje Construction Co. for the 1st Avenue W from 18th Street to 10th Street Pavement Rehabilitation and Traffic Signal Improvements, Contract No. 3018002-02. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$3,793,065.14
Original Incentive Value	2,000.00
Change Order No. 1	954.60
Change Order No. 2	10,105.36
Change Order No. 3	3,848.51
Change Order No. 4	55,093.25
Change Order No. 5	93,864.68
Change Order No. 6	265,446.74
Change Order No. 7	15,264.43
Change Order No. 8	<u>2,864.76</u>
Amended Contract Amount	\$4,242,507.47

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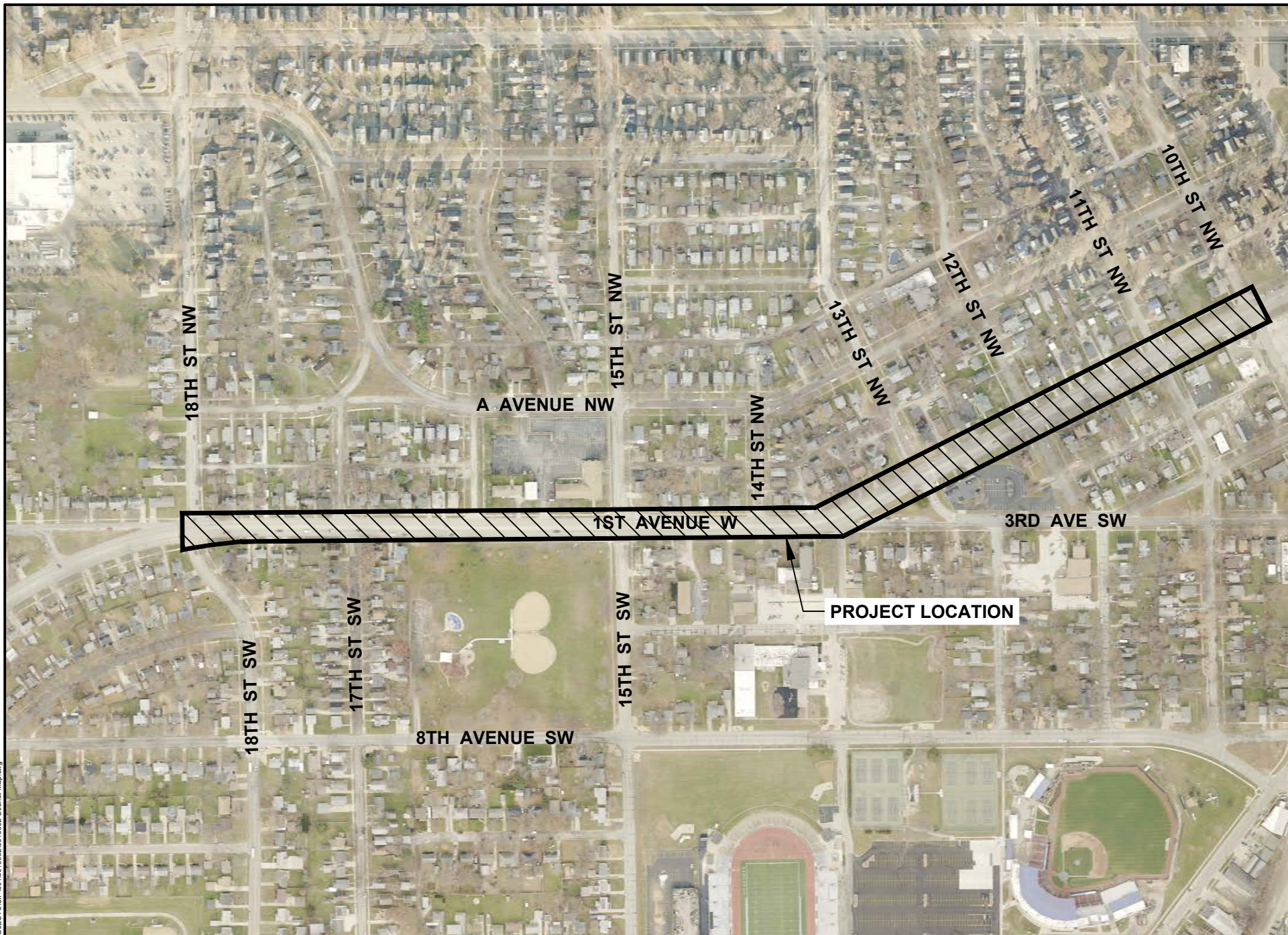
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MayorSignature

Attest:

ClerkSignature

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**1ST AVENUE W FROM 18TH STREET TO 10TH STREET PAVEMENT
REHABILITATION AND TRAFFIC SIGNAL IMPROVEMENTS**



3018002-02



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 23 in the amount of \$2,803.11 with Rathje Construction Co. for the Cherokee Trail (Phase 2B) from Cherry Hill Park to Sharon Lane, Along Gordon Avenue through Cherokee Park to Midway Drive NW project (original contract amount was \$3,910,292.97; total contract amount with this amendment is \$4,638,606.92) (**Council Priority**).

CIP/DID #325069-07

Council Priority: Quality of Life Enhancements
EnvisionCR Element/Goal: GreenCR Goal 2: Have the best parks, recreation and trails system in the region.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

- Items 0020, 0140 & 8023: Upon removal of existing pavement at Midway Dr & Johnson Ave NW, it was discovered that the existing pavement was 9-inches thick, not 8-inches as shown in the plans. New pavement was placed at 9-inches thick to match existing.

Predominant Reason for CCO: Unforeseen site conditions.

Recommended Action: The Public Works Department recommends approval of Change Order No. 23 submitted by Rathje Construction Co.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/3012384
 325/325000/325069
 625/625000/625884-6252040
 655/655000/6550099

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA **Recommended by Council Committee:** NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 23 in the amount of \$2,803.11 with Rathje Construction Co. for the Cherokee Trail (Phase 2B) from Cherry Hill Park to Sharon Lane, Along Gordon Avenue through Cherokee Park to Midway Drive NW, Contract No. 325069-07. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$3,910,292.97
Change Order No. 1	60,280.00
Change Order No. 2	.00
Change Order No. 3	249,331.10
Change Order No. 4	20,405.48
Change Order No. 5	31,673.84
Change Order No. 6	105,947.84
Change Order No. 7	10,487.73
Change Order No. 8	73.32
Change Order No. 9	2,084.35
Change Order No. 10	1,500.00
Change Order No. 11	416.59
Change Order No. 12	4,735.00
Change Order No. 13	508.80
Change Order No. 14	78,980.64
Change Order No. 15	16,995.60
Change Order No. 16	26,082.42
Change Order No. 17	20,183.93
Change Order No. 18	27,825.53
Change Order No. 19	5,622.25
Change Order No. 20	14,882.71
Change Order No. 21	16,416.53
Change Order No. 22	31,077.18
Change Order No. 23	<u>2,803.11</u>
Amended Contract Amount	\$4,638,606.92

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Cadd File Name: W:\PROJECTS\CDP\325069 Cherokee Trail\325069 Council Map.dwg



CHEROKEE TRAIL (PHASE 2B)
FROM CHERRY HILL PARK TO SHARON LANE, ALONG GORDON AVENUE,
THROUGH CHEROKEE PARK TO MIDWAY DRIVE NW





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 8 in the amount of \$3,150.98 with Rathje Construction Co. for the Ingleside Drive SW Reconstruction project (original contract amount was \$2,247,894.79; total contract amount with this amendment is \$2,419,478.05) **(Paving for Progress)**.

CIP/DID #3012344-03

Council Priority: Not applicable
EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

- Work Change Directive (WCD) #4 – Item 8008: Due to cold ambient air temperatures, pavement protection was necessary to ensure the protection of newly placed pavement and driveway during cure time.

Predominant Reason for CCO: Unforeseen site conditions

Recommended Action: The Public Works Department recommends approval of Change Order No. 8 submitted by Rathje Construction Co.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/3012380 SLOST, 655/655000/6550116 NA, 625/625000/6250051 NA

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 8 in the amount of \$3,150.98 with Rathje Construction Co. for the Ingleside Drive SW Reconstruction project, Contract No. 3012344-03. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$2,247,894.79
Change Order No. 1	79,531.00
Change Order No. 2	525.00
Change Order No. 3	84,869.92
Change Order No. 4	165.00
Change Order No. 5	18,432.24
Change Order No. 6	(25,289.91)
Change Order No. 7	10,199.03
Change Order No. 8	<u>3,150.98</u>
Amended Contract Amount	\$2,419,478.05

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

PROJECT AREA

Ingleside Dr. SW

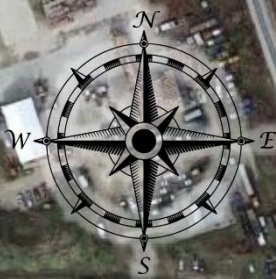
Ingleside Dr. SW

Ingleside Dr. SW

6th St SW

6th St SW

6th St SW



INGLESIDE DRIVE SW RECONSTRUCTION



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 4 in the amount of \$3,031.20 with Rathje Construction Co. for the Tower Terrace Road: Phase B Grading project (original contract amount was \$1,043,013.60; total contract amount with this amendment is \$1,100,854.10).

CIP/DID #301666-05

Council Priority: Not applicable

EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

- Additional 24-inch storm sewer quantity changed from 661.2 LF to 703.3 LF. Measurements are for the quantity installed in the field from center line of structure to center line of structure.

Predominant Reason for CCO: Constructed quantity differs from the estimate.

Recommended Action: The Public Works Department recommends approval of Change Order No. 4 submitted by Rathje Construction Co.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/301666, NA

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 4 in the amount of \$3,031.20 with Rathje Construction Co. for the Tower Terrace Road: Phase B Grading, Contract No. 301666-05. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$1,043,013.60
Change Order No. 1	52,041.50
Change Order No. 2	1,498.20
Change Order No. 3	1,269.60
Change Order No. 4	<u>3,031.20</u>
Amended Contract Amount	\$1,100,854.10

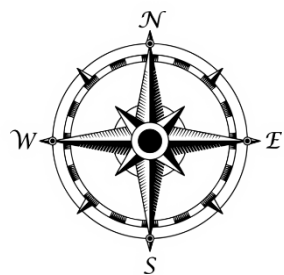
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LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



TOWER TERRACE ROAD: PHASE B GRADING



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Authorizing execution of Change Order No. 8 in the amount of \$6,937.70 with Rathje Construction Co. for the Wiley Boulevard Trail Improvements from Williams Boulevard to 16th Avenue SW project (original contract amount was \$1,487,704.68; total contract amount with this amendment is \$1,599,346.94) **(Council Priority)**.

CIP/DID #325052-02

Council Priority: Quality of Life Enhancements

EnvisionCR Element/Goal: GreenCR Goal 2: Have the best parks, recreation and trails system in the region.

Background: Contract Change Order (CCO) adjusts the contract price based on the actual quantities of completed work, and additional work based on contractor quotes reviewed and accepted based on the scope of work. The unit prices remain the same as originally bid and the contract price is adjusted according to the contract documents.

- Item 8010: A design issue caused the RRFB push button location to be out of compliance. The rework was complete to bring the crossing into compliance.
- Item 8011: a push button was damaged by traffic at the corner of Wilson Ave and Wiley Blvd SW after the roadway was open for use. The City elected to have the contractor make the repairs.

Predominant Reason for CCO: Scope change by the City and design error.

Recommended Action: The Public Works Department recommends approval of Change Order No. 8 submitted by Rathje Construction Co.

Alternative: Do not approve the change order. Payments due to the Contractor will accrue interest until approval of the Change Order occurs and payment is made.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 325/325000/32505

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager is authorized to sign Change Order No. 8 in the amount of \$6,937.70 with Rathje Construction Co. for the Wiley Boulevard Trail Improvements from Williams Boulevard to 16th Avenue SW, Contract No. 325052-02. A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$1,487,704.68
Change Order No. 1	16,233.44
Change Order No. 2	12,386.00
Change Order No. 3	11,972.38
Change Order No. 4	26,724.61
Change Order No. 5	(4,129.37)
Change Order No. 6	26,502.09
Change Order No. 7	15,015.41
Change Order No. 8	<u>6,937.70</u>
Amended Contract Amount	\$1,599,346.94

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

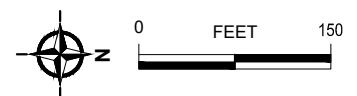
ClerkSignature



Caadd File Name: W:\CIP PLANNING\MPO\FY 21 - FY 24 MPO Funding Applications\Wiley Blvd Trail - Trail Application Documents\DOT App Map.dwg



WILEY BOULEVARD TRAIL
FROM WILLIAMS BOULEVARD TO 16TH AVENUE SW





Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Hashim Taylor – h.taylor@cedar-rapids.org – (319) 304-0991

Presenter at Meeting: Dave Roe

Description of Agenda Item: Purchases, contracts and agreements

Ellis Golf Course Clubhouse, Change Order No. 7, extend contract through June 19, 2023, partial final payment in the amount of \$92,482.98 to Septagon Construction Co. (original contract amount was \$2,567,741; final contract amount is \$2,710,779.59).

CIP/DID #PUR0521-286; 18524

Council Priority: Not applicable
EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: This is for the Ellis Golf Course Clubhouse project. City Council awarded the project to Septagon Construction Co. by Resolution No. 1271-08-21.

Change Order No. 7 in the deduct amount of \$500 and to extend the project through June 19, 2023 is the final change order for the project.

The Parks and Recreation Department have indicated that a significant percentage of the project has been completed in accordance with the approved plans and specifications.

The Parks and Recreation Department recommend the issuance of partial final payment to Septagon Construction Co. in the amount of \$92,482.98. The remaining retainage will be held until the ADA Audit and associated work is completed.

Action/Recommendation: Authorize the City Manager and the City Clerk to release partial retainage as described herein.

Alternative Recommendation:

Time Sensitivity: medium

Resolution Date: March 12, 2024

Budget Information: 18524

Local Preference Policy: No

Explanation: Public Improvement Project

Recommended by Council Committee: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS; the City of Cedar Rapids, Iowa and Septagon Construction Co. are parties to a Contract for the Ellis Golf Course Clubhouse project, authorized by Resolution No. 1271-08-21; and

WHEREAS, both parties have agreed to amend the contract to reflect deleted items to the contract in the deduct amount of \$500; and

WHEREAS, both parties have agreed to extend the term of the contract from April 29, 2023 through June 19, 2023; and

WHEREAS, a summary of the Contract is as follows:

Original Contract	Resolution No. 1271-08-21	\$2,567,741.00
Change Order No. 1	Signed by CITY 12/22/2021	\$20,219.28
Change Order No. 2	Resolution No. 0273-02-22	\$41,932.38
Change Order No. 3	Signed by CITY 04/14/2022	\$0
Change Order No. 4	Signed by CITY 07/28/2022	\$28,659.71
Change Order No. 5	Resolution No. 0141-01-23	\$52,727.22
Change Order No. 6	Signed by CITY 03/10/2023	\$0
Change Order No. 7	Pending	(\$500.00)
Total, not to exceed except by written change order		\$2,710,779.59

WHEREAS, the Parks and Recreation Department have indicated that a significant percentage of the project has been completed on the Ellis Golf Course Clubhouse project (Contract No. PUR0521-286) in accordance with the approved plans and specifications; and

WHEREAS, the Parks and Recreation Department recommend that a partial final payment of retainage of this project for \$92,482.98 be released and paid to Septagon Construction Co. and the remaining retainage will be held until the ADA Audit and associated work is completed; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are authorized to execute Change Order No. 7 to amend the contract as described herein; and

NOW THEREFORE, BE IT FURTHER RESOLVED that partial payment of \$92,482.98 shall be issued 30 days from the date of resolution.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Water

Director Contact: Roy Hesemann – r.hesemann@cedar-rapids.org – (319) 521-5752

Presenter at Meeting: Roy Hesseman

Description of Agenda Item: Purchases, contracts and agreements

Change Order No. 2 for an increase of \$67,806.89 with WRH, Inc. for the J Avenue WTP Dehumidification Improvements project (original contract amount was \$2,634,000.00; total contract amount with this amendment is \$2,701,806.89).

CIP/DID #6250090-02

Council Priority: Not applicable

EnvisionCR Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background:

Contract Change Order No. 2 is to adjust the contract price based on additional work needed for the project. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions.

Summary of Contract to Date:

	Price	Description
Original Contract Awarded	\$2,634,000.00	Resolution No. 0587-04-23; approved 4/11/23
Allowance Change Order No. 1	\$0	Approved 1/11/24
Change Order No. 2	\$67,806.89	For Council Approval
Amended Contract Amount	\$2,701,806.89	

Recommended Recommendation: The Utilities Department – Water Division staff recommends approval of Change Order No. 2 in the amount of \$67,806.89, WRH Inc., for the J Avenue WTP Dehumidification Improvements project and that the City Manager and City Clerk be authorized to execute said Change Order.

Alternative: None

Time Sensitivity: N/A

Resolution Date: 3/12/24

Budget Information: The project will be coded to the following CIP fund: 553000-625-625000-x-x-6250090-NA.

Local Preference Policy: No

Explanation: Capital Improvement Projects are not subject to local preference policy

Recommended by Council Committee: Not applicable

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, WRH, Inc. was awarded the J Avenue WTP Dehumification Improvements project (Contract No. 6250090-02) by Resolution No. 0587-04-23 on April 11, 2023, and

WHEREAS, Change Order No. 2 specifies a net increase in the amount of \$67,809.89 to adjust the contract price based on additional work needed for the project. The unit prices remain the same as originally bid and the contract price is adjusted in accordance with the provisions specified in the terms and conditions, and

WHEREAS, the Utilities Department – Water Division recommends approval of Change Order No. 2 in the amount of \$67,806.89 for the J Avenue WTP Dehumification Improvements project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that Change Order No. 2 in the amount of \$67,806.89 for the J Avenue WTP Dehumification Improvements project (Contract No. 6250090-02) with WRH, Inc. be hereby approved and that the City Manager and City Clerk be authorized to execute said Change Order.

A cost summary of the contract changes for this project is as follows:

Original Contract Amount	\$2,634,000.00
Change Order No. 1 (Allowance Adjustment)	+ 0
Change Order No. 2	+ <u>67,806.89</u>
Amended Contract Amount	\$2,701,806.89

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Description of Agenda Item: Purchases, contracts and agreements

Agreement in the amount of \$8,000 and accepting a Temporary Grading Easement for Construction from Jamey Schropp for land at 1735 3rd Street SE in connection with the 16th Avenue SE from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin project (**Council Priority**).

CIP/DID #3018023-00

Council Priority: Strengthen and Stabilize Neighborhoods
EnvisionCR Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: City Council has approved funding towards the 16th Avenue SE from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin Pavement and Water Main Improvements project.

The easement is required to accommodate the proposed pavement reconstruction, sidewalk reconstruction, storm sewer replacement, water main replacement, and streetscape improvements along 16th Avenue, 2nd Street and 4th Street.

The agreed upon compensation amount is in accordance with an appraisal done on a neighboring parcel.

Recommended Action: The Public Works Department recommends adopting the resolution authorizing execution of an Agreement in the amount of \$8,000 and accepting a temporary grading easement for construction from Jamey Schropp.

Alternative: Do not proceed with acquiring the proposed Temporary Grading Easement for Construction and reconfigure the sidewalk and streetscape improvements for 3rd Street SE from 16th Avenue to Sinclair Basin.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/3018023/NA

Local Preference Policy: Not applicable

Explanation: Local Preference Policy does not apply to the acquisition of easements.

Recommended by Council Committee: Not applicable

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the Public Works Director has determined the need for a Temporary Grading Easement for Construction exists in order to accommodate the proposed facilities, and

WHEREAS, Jamey Schropp, 2156 Harbor Lane, Vero Beach, Florida, 32963, OWNER of the real property known and described as:

PART OF LOTS 12, 13, 14 AND 15, BLOCK 33, J.C. MAY'S ADDITION TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

has agreed to convey the necessary Temporary Grading Easement for Construction at 1735 3rd Street SE to the City of Cedar Rapids for consideration as follows:

Temporary Easement	\$8,000

, and

WHEREAS, the Public Works Director recommends the City enter into an agreement to purchase the Temporary Grading Easement for Construction in accordance with the terms set forth in the Agreement, and

WHEREAS, the City Council has allocated Capital Improvement funds for the 16th Avenue from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin project,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and City Clerk are hereby authorized to execute the Agreement as described herein, and

BE IT FURTHER RESOLVED that the Agreement and the Temporary Grading Easement for Construction are hereby accepted and thereafter filed with the City of Cedar Rapids Finance Director, and

BE IT FURTHER RESOLVED that the City of Cedar Rapids Finance Director be authorized to issue payment per the Allocation of Proceeds.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

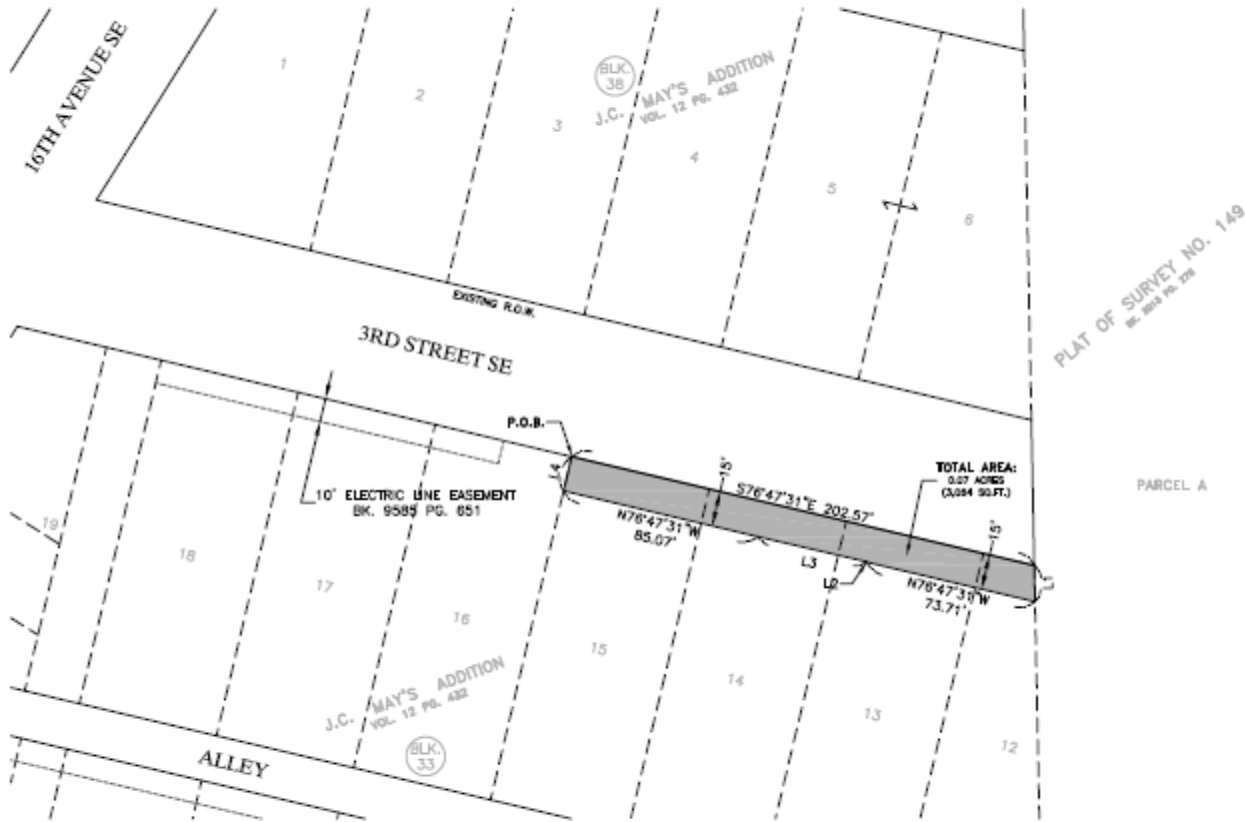


TEMPORARY CONSTRUCTION EASEMENT EXHIBIT

16TH AVENUE FROM 2ND ST TO 4TH ST AND 3RD STREET SE FROM 16TH AVE TO SINCLAIR BASIN

PAVEMENT AND WATER MAIN IMPROVEMENTS

Prepared by & Return to: R. Rodney Klien, Anderson-Bogert Engineers & Surveyors, Inc.
4050 River Center Ct. N.E. Cedar Rapids, Iowa 52402 (319) 377-4629



Legend

Boundary Line —

Adjoining Lot Line

Section Line -

Exempt Use
Exempt 4 (28.8%)

Found 1/2" Rebar
w/ Yellow Cap #8156 (unless noted)

Set $\frac{1}{2}$ "x30" Rebar

w/Orange Cap #18848

Found Out "X"
Sub Section/Chapter

Set Section/Quarter Corner
Found Section/Quarter Corner

Measured

Region

NOTES:

1. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

2. HEARINGS HEREON ARE BASED UPON IOWA STATE PLANE NAD 83 NORTH ZONE.

3. TEMPORARY EASEMENT WILL EXPIRE UPON COMPLETION OF CONSTRUCTION AND THE ACCEPTANCE OF THE CITY OF CEDAR RAPIDS.

PROPRIETOR: JANEY SCHROPP

GPNS: 14273-30001-00000

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S01°08'20"E	15.48
L2	N13°02'09"E	0.16
L3	N76°58'46"W	47.66
L4	N13°19'02"E	15.00

Legal Description

PART OF LOTS 12, 13, 14 AND 15, BLOCK 33, J.C. WAY'S ADDITION
TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA FURTHER
DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 15;

THENCE S76°47'31"E ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 3RD STREET SE, 202.57 FEET TO THE NORTH-EAST CORNER OF SAID LOT 12;

THENCE S01°08'20"E ALONG THE WEST LINE OF PARCEL A, PLAT OF SURVEY NO. 149, 15.48 FEET;

THENCE N78°47'31"W, 73.71 FEET TO THE EASTERLY EXISTING BUILDING
FACE;

THENCE N13°02'00"E ALONG SAID EASTERLY BUILDING FACE, 0.16 FEET
TO THE NORTHEAST CORNER OF SAID EXISTING BUILDING;

THENCE N78°55'46"W ALONG THE NORTHEASTLY EXISTING BUILDING FACE,
47.68 FEET TO THE NORTHWEST CORNER OF SAID EXISTING BUILDING;

THENCE N78°47'31"W, 85.07 FEET TO THE WESTERLY LINE OF S&D LOT 19;

THENCE N13°18'02"E ALONG S&D WESTERLY LINE, 15.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.07 ACRES (3,064 SQ.FT.) MORE OR LESS.

SUBJECT TO EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.

**SURVEY PERFORMED:
FEBRUARY, 2024**

PARCEL 10
1735 3RD ST SE
Project Number: 221033

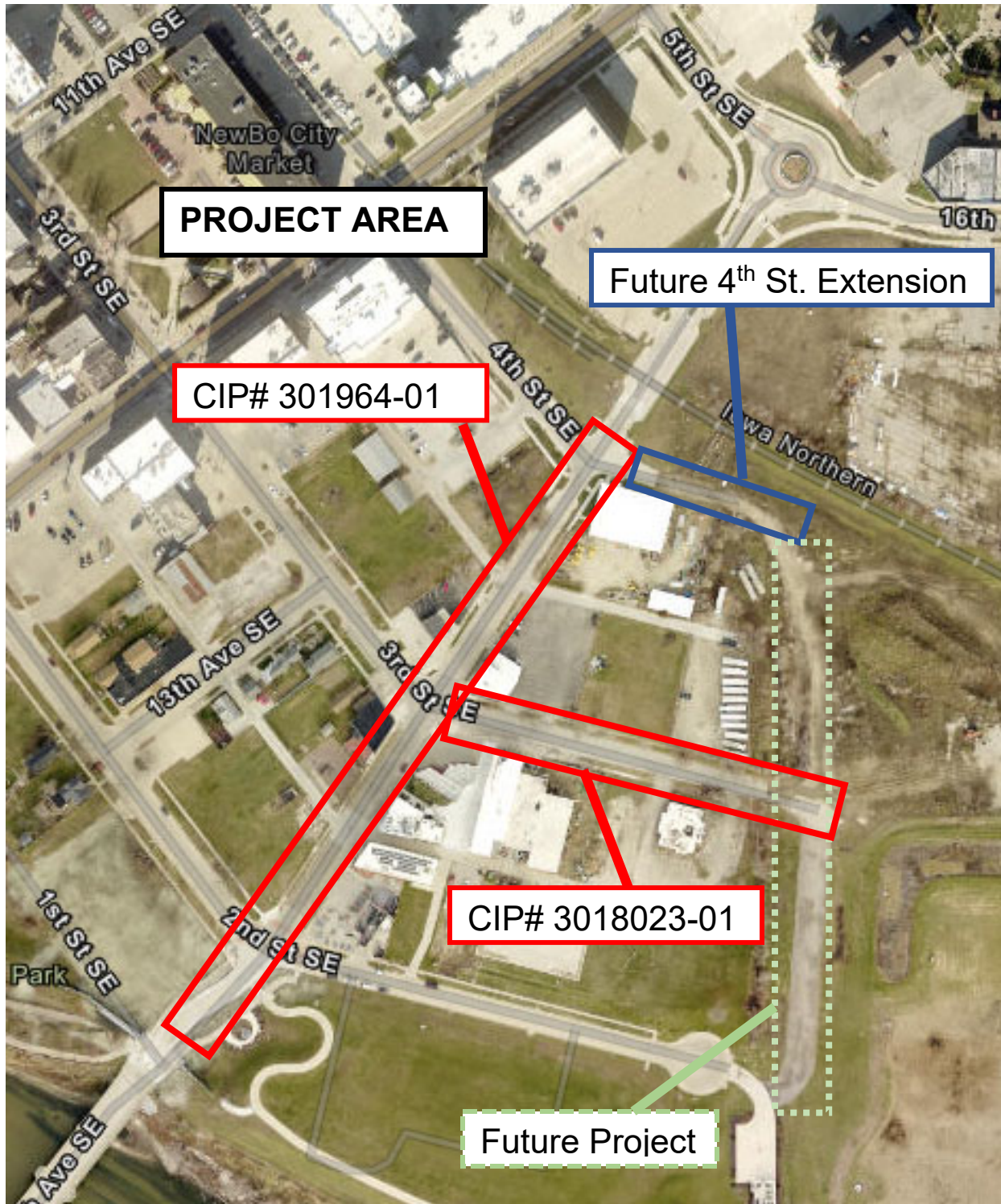
Drawn By: DJV Approved By: PPH
 Date: 02/05/24 Scale: 1"=50'
 Field Book #538

 CEDAR RAPIDS
IOWA 52402-1500

1992

ANDERSON BOGERT

Sheet No.
2
Of
1



3rd STREET SE FROM 16th AVENUE TO SINCLAIR BASIN



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Description of Agenda Item: Purchases, contracts and agreements

Agreements for Temporary Construction Easement from 12 owners in the aggregate amount of \$15,179 for land in connection with the 42nd Street NE Improvements-Phase 1 from River Ridge Drive to Pine View Drive project (**Paving for Progress**).

CIP/DID #3012188-00

Council Priority: Strengthen and Stabilize Neighborhoods
EnvisionCR Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: In a previous fiscal year, City Council approved funding towards the 42nd Street NE Improvements-Phase 1 from River Ridge Drive to Pine View Drive project.

The easement is required to accommodate the proposed 42nd Street NE Improvements-Phase 1 from River Ridge Drive to Pine View Drive project improvements. This includes pavement repair and resurfacing from Edgewood Road to River Ridge Drive as well as full reconstruction as a concrete roadway from River Ridge Drive to Pine View Drive. This project also includes storm sewer and water main replacement, and sanitary sewer repairs as required, new curb and sidewalk. Compensation amounts proposed are based on comparisons of similar properties to the subject property provided by a qualified appraiser hired by the City.

Recommended Action: The Public Works Department recommends adopting the resolution authorizing execution of the Agreements for Temporary Construction Easement and accepting the Agreements for Temporary Construction Easement from the properties for the amounts noted on Exhibit A.

Alternative: Do not proceed with acquiring the proposed temporary construction easements and redesign to complete all construction in the right-of-way which will move sidewalks closer to the curb.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/3012188/SLOST

Local Preference Policy: Not applicable

Explanation: Local Preference Policy does not apply to the acquisition of easements.

Recommended by Council Committee: Not applicable

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the Public Works Director has determined the need exists for temporary construction easements in order to accommodate the proposed facilities, and

WHEREAS, the owners of the real property located on the proposed project have agreed to convey the necessary temporary construction easements to the City of Cedar Rapids as outlined on the attached Exhibit A, and

WHEREAS, the Public Works Director recommends the City enter into agreements to purchase the temporary construction easements in accordance with the terms set forth in the Agreements for Temporary Construction Easement from owners as listed on Exhibit A, and

WHEREAS, the City Council has allocated Capital Improvement funds for 42nd Street NE Improvements-Phase 1 from River Ridge Drive to Pine View Drive project,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and City Clerk are hereby authorized to execute the Agreements for Temporary Construction Easement as described herein.

BE IT FURTHER RESOLVED that the Agreements for Temporary Construction Easement are hereby accepted and thereafter filed with the City of Cedar Rapids Finance Director, and

BE IT FURTHER RESOLVED that the City of Cedar Rapids Finance Director be authorized to issue payment per the Allocation of Proceeds.

PASSED_DAY_TAG

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MayorSignature

Attest:

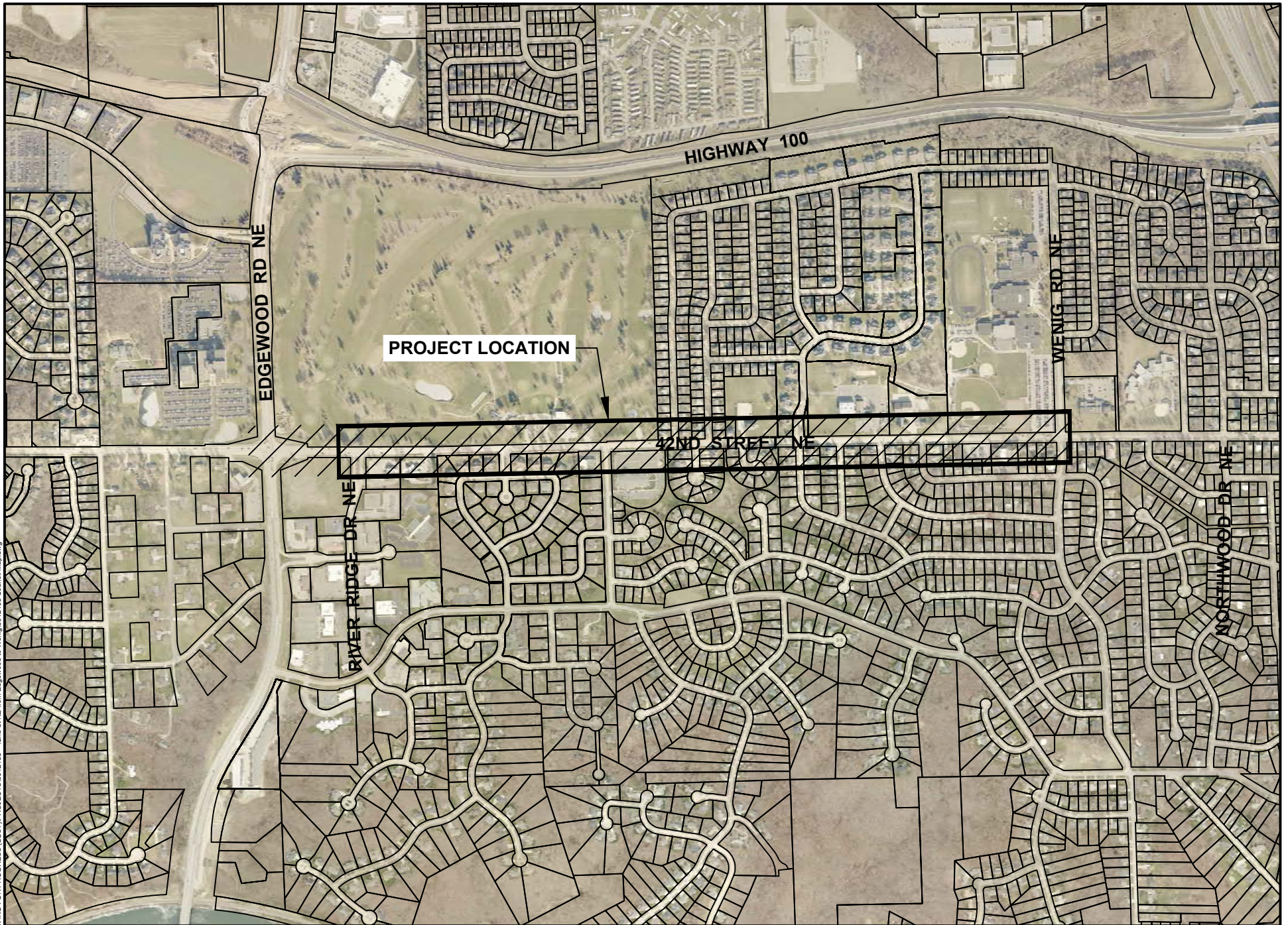
ClerkSignature

Exhibit A

CIP #3012188

42nd Street NE Improvements-Phase 1 from River Ridge Drive to Pine View Drive

PARCEL	PROPERTY OWNER	MAILING ADDRESS:	SUBJECT PROPERTY	TAKING	Compensation Amount:
23	Flanos Real Estate LLC	4100 River Ridge Drive NE Cedar Rapids, IA 52402	4100 River Ridge Dr NE	Temporary Easement	\$2,430
25	Lexington Green Unit Two Owners Association	P.O. Box 74050 Cedar Rapids, IA 52407	4131 Lexington Dr NE	Temporary Easement	\$311
26	Lexington Green Unit Two Owners Association	P.O. Box 74050 Cedar Rapids, IA 52407	4132 Lexington Dr NE	Temporary Easement	\$822
27	Lexington Green Unit Two Owners Association	P.O. Box 74050 Cedar Rapids, IA 52407	4128 Lexington Dr NE	Temporary Easement	\$567
28	Lexington Green Unit Two Owners Association	P.O. Box 74050 Cedar Rapids, IA 52407	4122 Lexington Dr NE	Temporary Easement	\$1,067
31	Lexington Green Unit Two Owners Association	P.O. Box 74050 Cedar Rapids, IA 52407	4116 Lexington Dr NE	Temporary Easement	\$1,206
32	Lexington Green Unit Two Owners Association	P.O. Box 74050 Cedar Rapids, IA 52407	4110 Lexington Dr NE	Temporary Easement	\$826
33	Lexington Green Unit Two Owners Association	P.O. Box 74050 Cedar Rapids, IA 52407	4104 Lexington Dr NE	Temporary Easement	\$1,127
34	Lexington Green Unit Two Owners Association	P.O. Box 74050 Cedar Rapids, IA 52407	4102 Lexington Dr NE	Temporary Easement	\$834
47	Alec D. & Katie M. Marin	4125 Finch Ct NE Cedar Rapids, IA 52402	4125 Finch Ct NE	Temporary Easement	\$2,460
130	New Life Outreach Worship Center INC.	3300 42 nd St NE Cedar Rapids, IA 52402	3300 42 nd St NE	Temporary Easement	\$2,965
180	J D R Development INC	2827 Alleghany Dr NE Cedar Rapids, IA 52402	0 Vacant Land adjacent to 42 nd St NE	Temporary Easement	\$564





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Description of Agenda Item: Purchases, contracts and agreements

Purchase Agreement in the amount of \$2,050 and accepting a Temporary Construction Easement from St. Andrews Office, LLC for land at the intersection of St. Andrews Court NE and Blairs Ferry Road in connection with the Blairs Ferry Road NE from North Towne Place NE to Sammi Drive NE Sidewalk Infill project.

CIP/DID #301878-00

Council Priority: Quality of Life Enhancements
EnvisionCR Goal: ConnectCR Goal 3: Establish a network of complete streets.

Background: In a previous fiscal year, the City Council approved funding towards the Blairs Ferry Road NE from North Towne Place NE to Sammi Drive NE Sidewalk Infill project. The easement is required to accommodate the proposed sidewalk infill improvements. Compensation amounts proposed are based on comparisons of similar properties to the subject property provided by a qualified appraiser hired by the City.

Recommended Action: The Public Works Department recommends adopting the resolution authorizing execution of a Purchase Agreement in the amount of \$2,050 and accepting a Temporary Construction Easement from St. Andrews Office, LLC.

Alternative: Do not proceed with acquiring the proposed Temporary Construction Easement, move the sidewalk closer to the street and reconfigure the Blairs Ferry Road NE from North Towne Place NE to Sammi Drive NE Sidewalk Infill project.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 301/301000/301878/NA

Local Preference Policy: Not applicable

Explanation: Local Preference Policy does not apply to the acquisition of easements

Recommended by Council Committee: Not applicable

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the Public Works Director has determined the need for a temporary grading easement for construction exists in order to accommodate the proposed facilities, and

WHEREAS, St. Andrews Office, LLC, 2138 PP Avenue, Traer, Iowa 50675, of the real property known and described as:

See Attached Temporary Construction Easement Exhibit

has agreed to convey the necessary temporary construction easement for land across St. Andrews Court NE at the intersection of Blairs Ferry Road to the City of Cedar Rapids for consideration as follows:

Temporary Construction Easement	\$2,050
TOTAL	<u>\$2,050</u>

, and

WHEREAS, the Public Works Director recommends the City enter into an agreement to purchase the temporary construction easement in accordance with the terms set forth in the Purchase Agreement, and

WHEREAS, the City Council has allocated Capital Improvement funds for the Blairs Ferry Road NE from North Towne Place NE to Sammi Drive NE Sidewalk Infill project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and City Clerk are hereby authorized to execute the Purchase Agreement as described herein, and

BE IT FURTHER RESOLVED that the Purchase Agreement and the Temporary Construction Easement are hereby accepted and thereafter filed with the City of Cedar Rapids Finance Director, and

BE IT FURTHER RESOLVED that the City of Cedar Rapids Finance Director be authorized to issue payment per the Allocation of Proceeds.

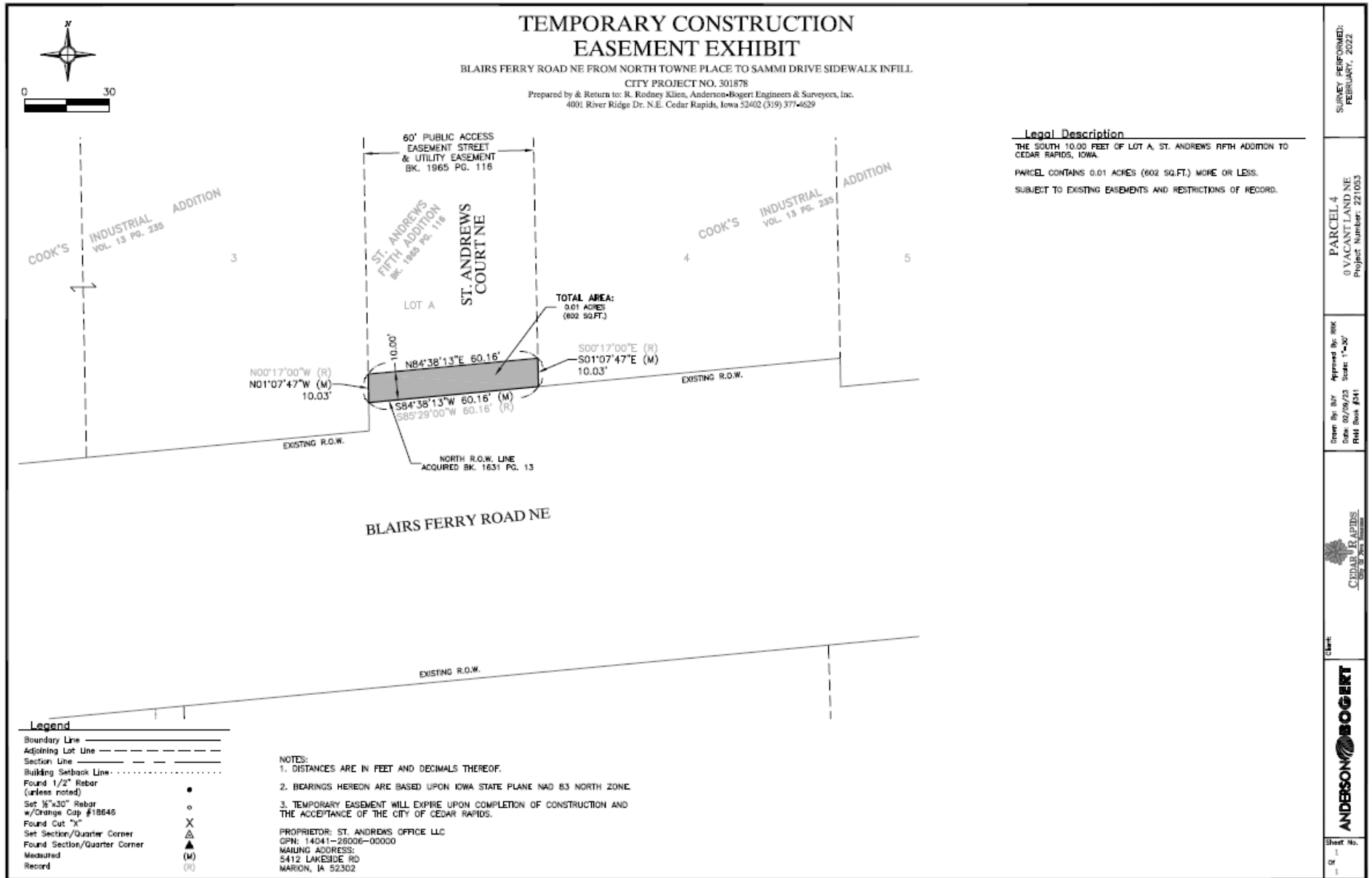
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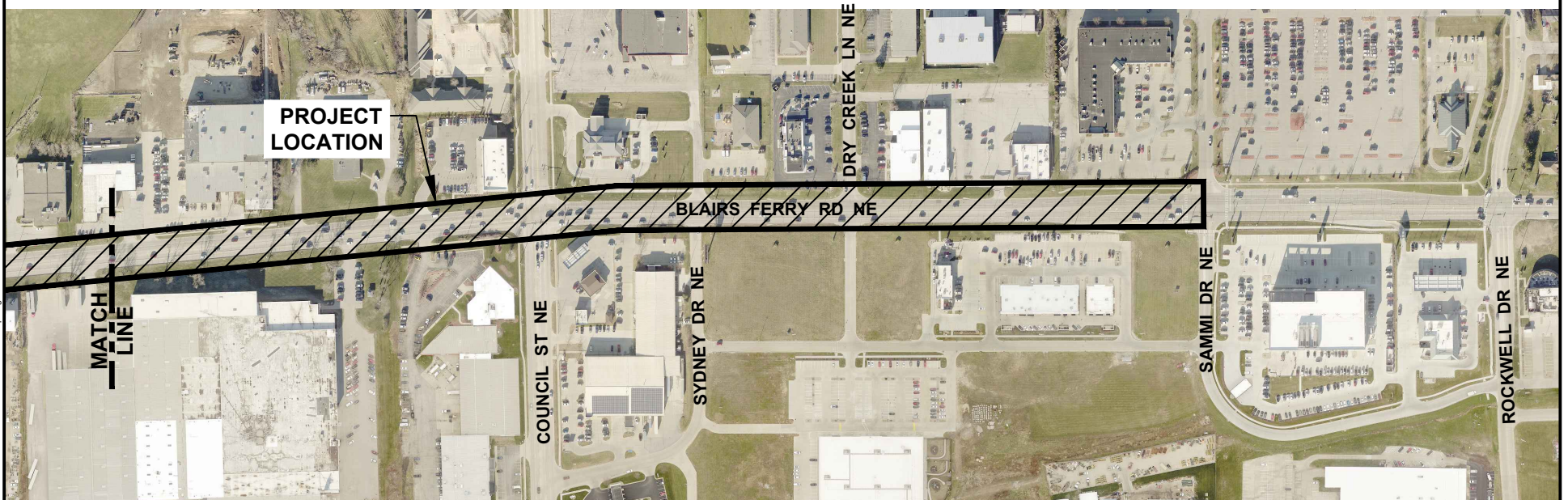
MayorSignature

Attest:

ClerkSignature



Cadd File Name: W:\PROJECTS\CP\001301878\301878 Council Map.dwg



**BLAIRS FERRY ROAD NE SIDEWALK INFILL FROM
NORTH TOWNE PLACE NE TO SAMMI DRIVE NE**



0 FEET 400



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Rob Davis, PE, ENVSP

Description of Agenda Item: Purchases, contracts and agreements

Purchase Agreement in the amount of \$1,500 and accepting a Temporary Grading Easement for Construction from Venture Real Estate, LLC for land located at 833 Shaver Road NE in connection with the Cedar Lake Amenities project (**Council Priority**).

CIP/DID #327003-00

Council Priority: FCS/Greenway
EnvisionCR Goal: GreenCR Goal 2: Have the best parks, recreation and trails system in the region.

Background: In a previous fiscal year the City Council approved funding towards the Cedar Lake Amenities project.

This easement is required to accommodate completion of the trail around the shore of Cedar Lake. The completion of this trail will enhance the public's enjoyment and safety while spending time at Cedar Lake.

Recommended Action: The Public Works Department recommends adopting the resolution authorizing execution of a Purchase Agreement in the amount of \$1500 and accepting a Temporary Grading Easement for Construction from Venture Real Estate, LLC.

Alternative: None. This is in accordance with adopted Cedar Lake Master Plan

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 327/327000/327003/NA

Local Preference Policy: Not applicable

Explanation: Local Preference Policy does not apply to the acquisition of easements

Recommended by Council Committee: Not applicable

Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the Public Works Director has determined the need for a Temporary Grading Easement for Construction exists in order to accommodate the proposed facilities, and

WHEREAS, Venture Real Estate, LLC, 511 Wanatee Creek Circle, Marion, Iowa 52302, OWNER of the real property known and described as:

See Attached Temporary Easement Exhibit

in the City of Cedar Rapids, Linn County, Iowa, has agreed to convey the necessary Temporary Grading Easement for Construction at 833 Shaver Road NE to the City of Cedar Rapids for consideration as follows:

Temporary Easement	\$1,500
Total	\$1,500

, and

WHEREAS, the Public Works Director recommends the City enter into an agreement to purchase the Temporary Grading Easement for Construction and in accordance with the terms set forth in the Purchase Agreement, and

WHEREAS, the City Council has allocated Capital Improvement funds for Cedar Lake Amenities project,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and City Clerk are hereby authorized to execute the Purchase Agreement as described herein.

BE IT FURTHER RESOLVED that the Purchase Agreement and the Temporary Grading Easement for Construction are hereby accepted and thereafter filed with the City of Cedar Rapids Finance Director, and

BE IT FURTHER RESOLVED that the City of Cedar Rapids Finance Director be authorized to issue payment per the Allocation of Proceeds.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

INDEX LEGEND

SURVEYOR'S NAME / RETURN TO:
TM FORNASH
SNYDER & ASSOCIATES, INC.
5005 BOWLING STREET SW, SUITE A
CEDAR RAPIDS, IA 52404
319-362-9394
tforfnash@snyder-associates.com
SERVICE PROVIDED BY:
SNYDER & ASSOCIATES, INC.
SURVEY LOCATED:
LOT 9
AUDITOR'S PLAT NO. 49
REQUESTED BY:
CITY OF CEDAR RAPIDS
ENGINEERING DEPARTMENT

TEMPORARY EASEMENT EXHIBIT

DESCRIPTION

A PART OF LOT 9, AUDITOR'S PLAT NO. 49 TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE THE EASTERLY CORNER OF SAID LOT 9; THENCE SOUTH 51° 34' 59" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 9, A DISTANCE OF 169.74 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 51° 34' 59" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 15.00 FEET TO THE SOUTHERLY CORNER OF SAID LOT 9; THENCE NORTH 41° 16' 06" WEST ALONG THE WESTERLY LINE OF SAID LOT 9, A DISTANCE OF 84.45 FEET; THENCE NORTH 11° 37' 56" WEST ALONG SAID WESTERLY LINE, A DISTANCE OF 32.44 FEET TO THE WESTERLY CORNER OF SAID LOT 9; THENCE SOUTH 40° 43' 53" EAST, 113.39 FEET TO THE POINT OF BEGINNING, CONTAINING 0.04 ACRES (1,527 S.F.) MORE OR LESS

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

DATE OF SURVEY

MARCH 16, 2023

BASIS OF BEARING

THE SOUTHERLY LINE OF LOT 10 IS ASSUMED TO BEAR NORTH 51° 34' 59" EAST FOR THE PURPOSE OF THIS SURVEY.

OWNER

VENTURE REAL ESTATE LLC
dba CADDY AUCTION HOUSE

PROPERTY ADDRESS
833 SHAVER ROAD NE
CEDAR RAPIDS, IA 52402

MALING ADDRESS
511 WANATEE CREEK CIRCLE
MARION, IA 52302

LEGEND

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Yellow Plastic Cap #26175 (Unless Otherwise Noted)	●	○
ROW - Rail	I	
Parcel Number	GN	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Centerline	---	
Section Line	---	
1/4 Section Line	---	
1/4 1/4 Section Line	---	
Easement Line	---	

PREPARED FOR

CITY OF CEDAR RAPIDS
ENGINEERING DEPARTMENT

CONNECT CR CEDAR LAKE
TRAIL IMPROVEMENTS

CEDAR RAPIDS CONTRACT NUMBER
327003-03

CONNECT CR CEDAR LAKE TRAIL IMPROVEMENTS

PARCEL 8 - VENTURE REAL ESTATE LLC



5005 BOWLING STREET S.W.,
CEDAR RAPIDS, IA 52404 (319) 362-9394

SHEET 1 OF 2

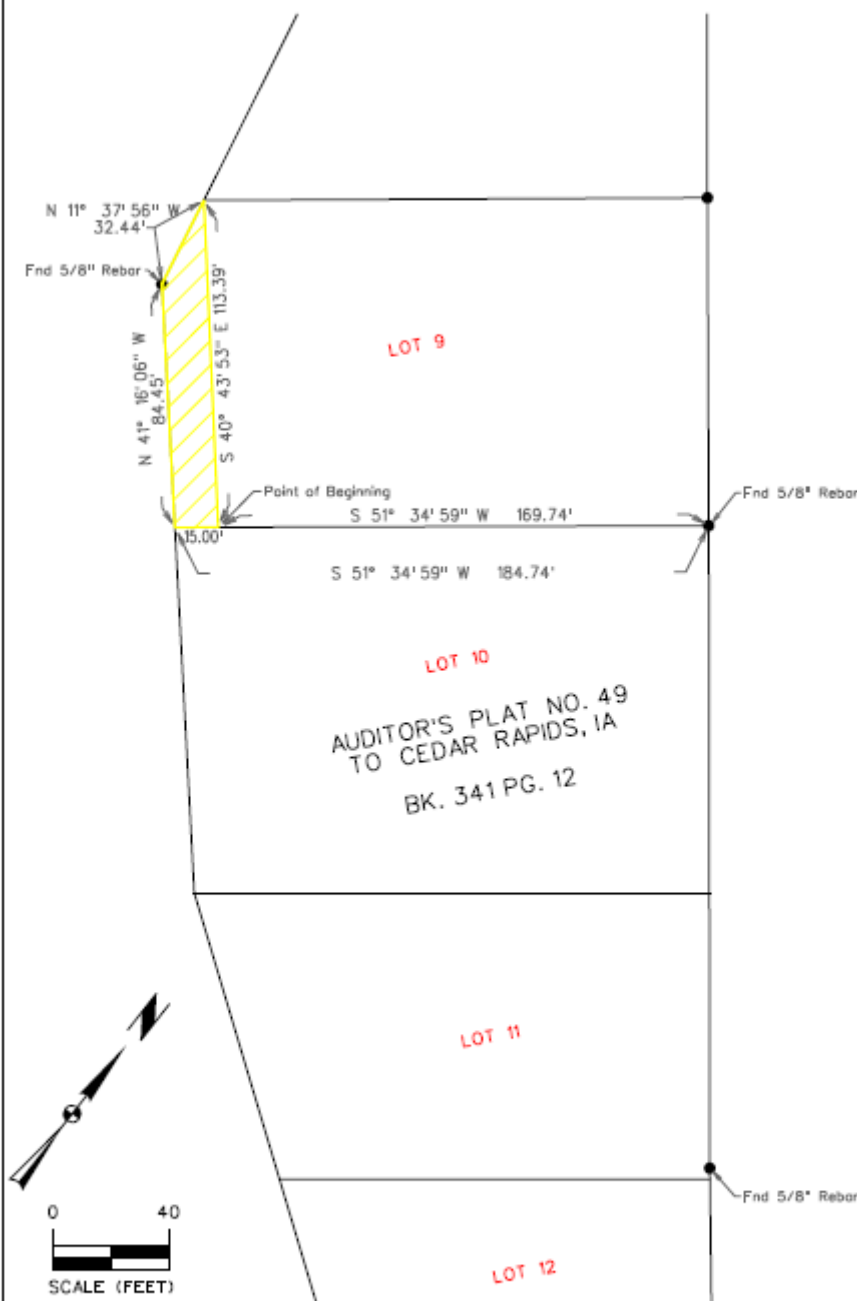
PN: 1230235

PLD BK: PQ

DATE: 06/06/23

PMTECH: TWF

TEMPORARY EASEMENT EXHIBIT



CONNECT CR CEDAR LAKE TRAIL IMPROVEMENTS

PARCEL 8 - VENTURE REAL ESTATE LLC



5005 BOWLING STREET S.W.,
CEDAR RAPIDS, IA 52404 (319) 362-9394

SHEET 2 OF 2

PN: 1230235

PLD BK: PQ

DATE: 06/06/23

PMTECH: TWF



Cadd File Name: W:\PROJECTS\CR\327003 - CONNECT CR ACQUISITION\SCADD File\327003 Council Map.dwg



CONNECT CR CEDAR LAKE TRAIL IMPROVEMENTS





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Description of Agenda Item: Purchases, contracts and agreements

Accepting a Warranty Deed from James Carnahan for land adjacent to 4455 Woodview Drive NE in connection with the Edgewood Road Trail, from Glass Road NE to approximately 305' south of Blairs Ferry Road NE project (**Council Priority**).

CIP/DID #325073-00

Council Priority: Quality of Life Enhancements
EnvisionCR Goal: ConnectCR Goal 3: Establish a network of complete streets.

Background: In a previous fiscal year, the City Council approved funding towards the Edgewood Road Trail, from Glass Road NE to approximately 305' south of Blairs Ferry Road NE project. The right-of-way is required to accommodate the proposed Edgewood Road Trail, from Glass Road NE to approximately 305' south of Blairs Ferry Road NE project improvements.

James Carnahan has agreed to convey to the City the right-of-way in exchange for mutual benefit and other consideration.

Recommended Action: The Public Works Department recommends adopting the resolution authorizing execution of the Agreement and accepting a warranty deed from James Carnahan.

Alternative: Do not proceed with accepting the warranty deed for right-of-way and reconfigure the Edgewood Road Trail, from Glass Road NE to approximately 305' south of Blairs Ferry Road NE project.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 325/325000/325073 NA

Local Preference Policy: Not applicable

Explanation: Local Preference Policy does not apply to the acquisition of right-of-way.

Recommended by Council Committee: Not applicable

Explanation: NA

Prepared By: City of Cedar Rapids 319-286-5060
Return To: City Clerk, 101 First Street SE, Cedar Rapids, IA 52401

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the Public Works Director has determined the need for additional right-of-way exists in order to accommodate the proposed facilities, and

WHEREAS, James Carnahan, 4455 Woodview Drive NE, OWNER of the real property known and described as:

See Attached Acquisition Plat

has agreed to donate the necessary right-of-way for construction adjacent to 4455 Woodview Drive NE, to the City of Cedar Rapids, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that the City Manager and the City Clerk are hereby authorized to execute the Purchase Agreement as described herein.

BE IT FURTHER RESOLVED, that the Purchase Agreement is hereby accepted and thereafter filed with the City of Cedar Rapids Finance Director, and

BE IT FURTHER RESOLVED that the Warranty Deed from James Carnahan be accepted and recorded in the Office of the Linn County Recorder and thereafter filed with the City of Cedar Rapids Finance Director.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

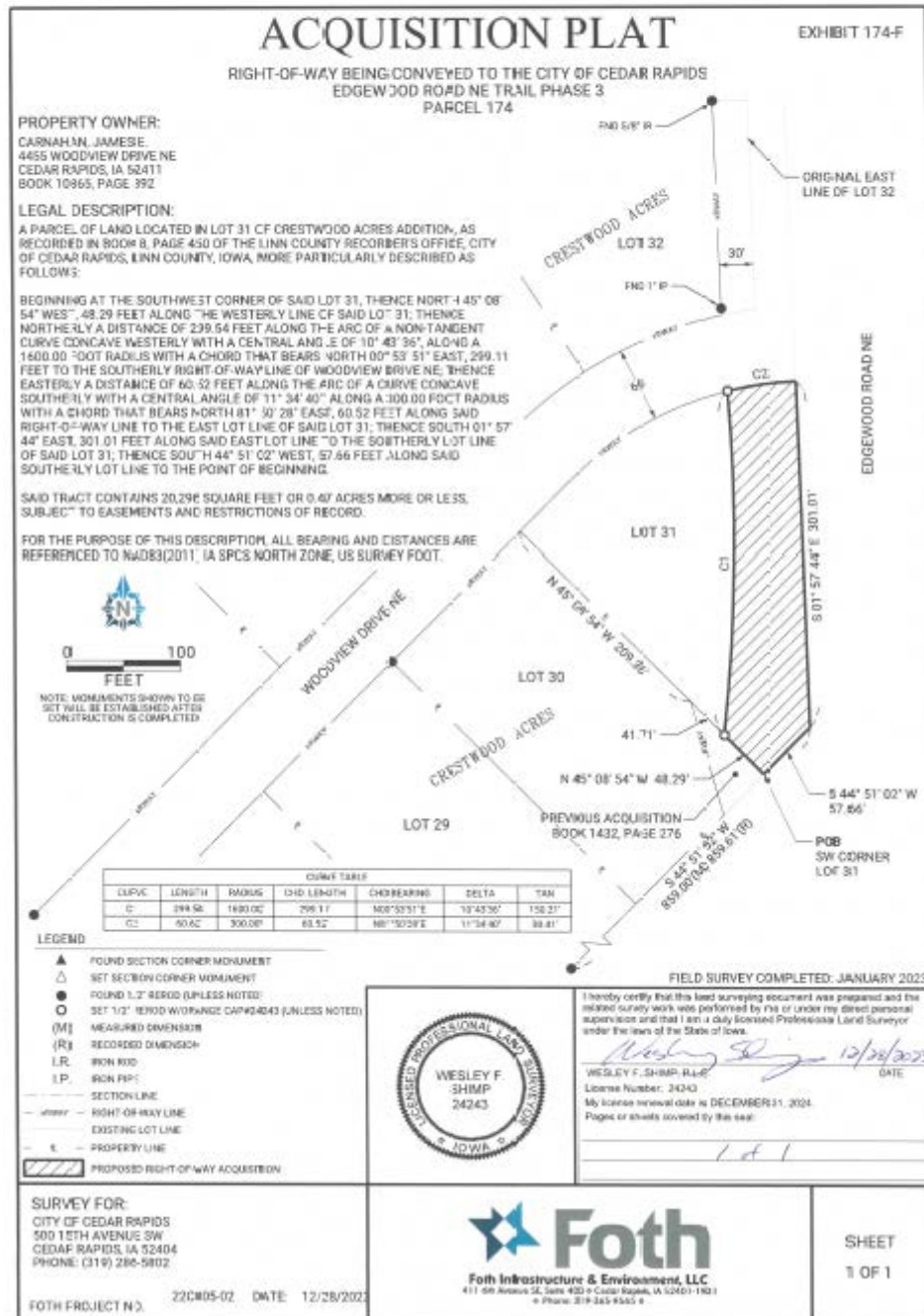
ClerkSignature

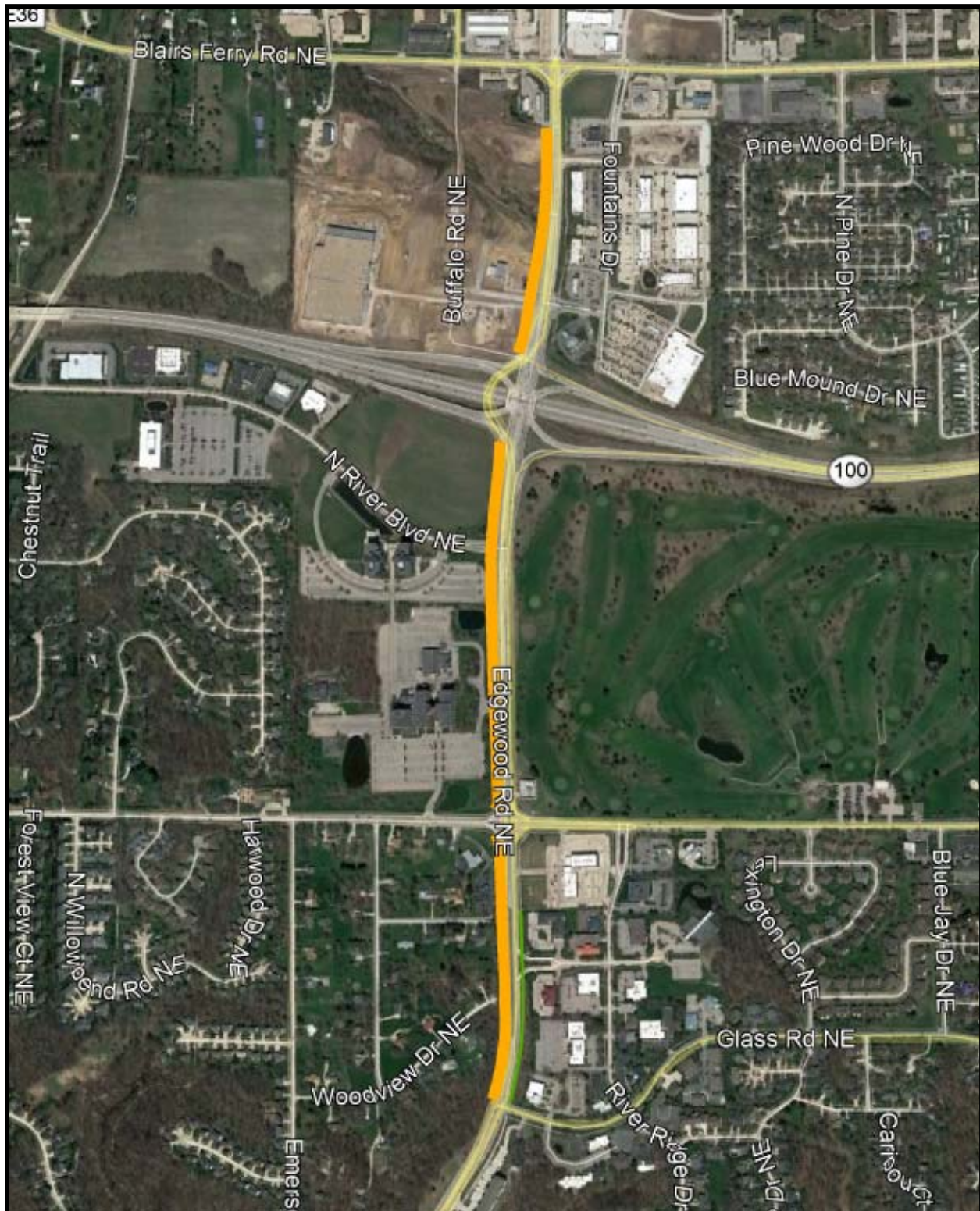
STATE OF IOWA)
) ss.
COUNTY OF LINN)

I, Alissa Van Sloten, City Clerk of the City of Cedar Rapids, Iowa, do hereby certify that the above and foregoing Resolution and attached documents are true and authentic documents of the City of Cedar Rapids, as full and complete as the same of record and on file in my office, on this ____ day of _____, 2024.

ClerkSignature

Index Legend	
Location:	Lot 31, Crestwood Acres Addition
Requestor:	City of Cedar Rapids
Proprietor:	Carahan, James E.
Surveyor:	Wesley F. Shimp
Surveyor Company:	Foth Infrastructure & Environment, LLC
Return To:	411 6th Avenue SE, Suite 400 Cedar Rapids, IA 52401 (319) 365-9563





EDGEWOOD ROAD TRAIL – GLASS ROAD TO BLAIRS FERRY ROAD



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Robert Davis, P.E., ENVSP

Description of Agenda Item: Purchases, contracts and agreements

Granting a Temporary Staging Easement on City-owned property at 1917 Mount Vernon Road SE for \$1, as requested by Pirc-Tobin Construction, Inc. (**Paving for Progress**).

CIP/DID #3012149-05

Council Priority: Not applicable
EnvisionCR Goal: StrengthenCR Goal 2: Improve the quality and identity of neighborhoods and key corridors.

Background: The City of Cedar Rapids has received a request from Pirc-Tobin Construction, Inc. for a Temporary Staging Easement on City-owned property at 1917 Mount Vernon Road SE. This temporary easement will accommodate the staging of materials as part of construction to accommodate the Mount Vernon Road SE from 14th Street to Memorial Drive SE Rehabilitation project at this location.

This Temporary Easement for Construction shall terminate on November 30, 2024.

Recommended Action: The Public Works Department recommends adopting the resolution authorizing execution of the Temporary Staging Easement with Pirc-Tobin Construction, Inc.

Alternative: None

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: NA

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, the City of Cedar Rapids City Council has received a request from Pirc-Tobin Construction, Inc. for a Temporary Staging Easement to be granted to accommodate the staging of materials as part of construction to accommodate the Mount Vernon Road SE from 14th Street to Memorial Drive SE Rehabilitation project at this location:

1917 Mount Vernon Road SE

, and

WHEREAS, the City of Cedar Rapids is the owner of the real property described as:

All that part of Lot 10, Burton's Irregular Survey of the NE ¼ of the NE ¼ of Section 27-83-7, Linn County, Iowa, described as follows: Beginning at a point on the North line of said Lot 10, 20.8 feet East of the NW corner of said Lot 10, said point being at the intersection of the center line of the West wall of the building on the herein described property with the North line of said Lot 10; thence East along the North line of said Lot 10, 63.33 feet; thence South at right angles to the North Line of said Lot 10, 64.15 feet; thence West 80.1 feet to a point on the West line of said Lot 10, 64.4 feet South of the NW corner of said Lot 10; thence North along the West line of said Lot 10, 10 feet; thence East 17.35 feet to the center line of the West wall on the herein described property produced; thence North along the center line of the West wall of the building on the herein described property 54.25 feet to beginning

, and

WHEREAS, this Temporary Easement for Construction shall terminate on November 30, 2024, and

WHEREAS, the Public Works Department recommends adopting the resolution authorizing execution of the Temporary Staging Easement with Pirc-Tobin Construction, Inc.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the associated Temporary Staging Easement be conveyed and that the City Manager and City Clerk are hereby authorized to execute said easement.

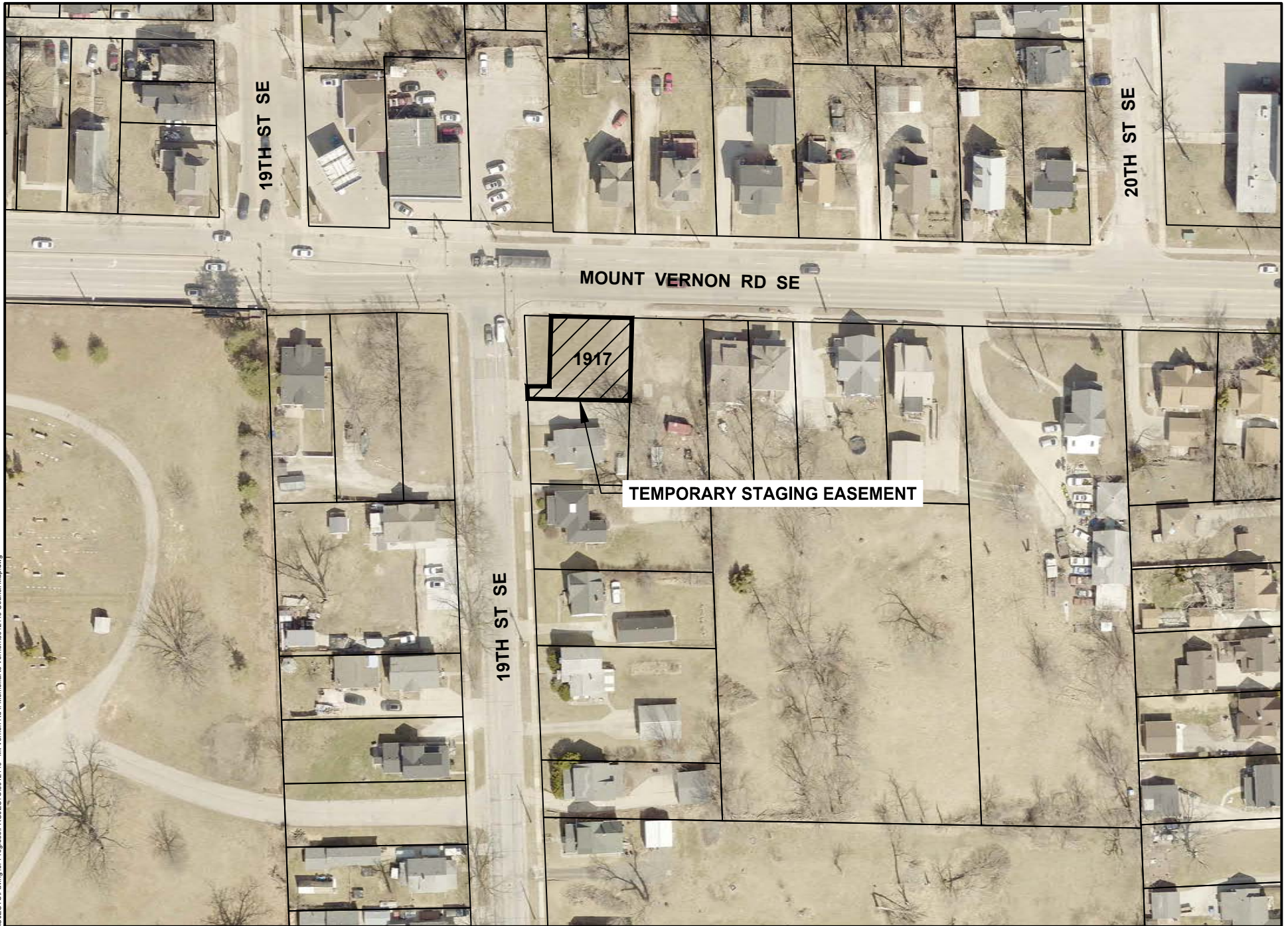
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MayorSignature

Attest:

ClerkSignature



1917 MOUNT VERNON ROAD SE
TEMPORARY STAGING EASEMENT





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: Purchases, contracts and agreements

Resolution awarding and approving contract in the amount of \$3,130,076.90, bond and insurance of Eastern Iowa Excavating & Concrete, LLC for the Bowling Street Trail project. Estimated cost is \$3,760,000. **(Council Priority)**.

CIP/DID #325072-02

Council Priority: Quality of Life Enhancements
EnvisionCR Element/Goal: ConnectCR Goal 3: Establish a network of complete streets.

Background:

Eastern Iowa Excavating & Concrete, LLC, Cascade, IA	\$3,130,076.90
Pirc-Tobin Construction, Inc., Alburnett, IA	\$3,291,157.51
Midwest Concrete, Inc., Peosta, IA	\$3,614,469.95
Rathje Construction Co., Marion, IA	\$3,697,122.29
Tschiggfrie Excavating Co., Dubuque, IA	\$3,869,755.21
Boomerang Corp., Anamosa, IA	\$3,927,440.41
Peterson Contractors Inc., Reinbeck, IA	\$4,377,096.97

Eastern Iowa Excavating & Concrete, LLC submitted the lowest of the bids received at Iowa Department of Transportation (Iowa DOT) on February 20, 2024 for the Bowling Street Trail project. The bid is within the approved budget. Construction work is anticipated to begin this spring and be completed within 130 working days.

Recommended Action: The Public Works Department recommends approval of the Resolution to award and approve contract in the amount of \$3,130,076.90, bond and insurance of Eastern Iowa Excavating & Concrete, LLC for the Bowling Street Trail project.

Alternative: If Council chooses not to award the contract for said project, the project could not go forward as proposed unless the bidding process is repeated.

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: 325/325000/325072, NA

Local Preference Policy: NA
Explanation: NA

Recommended by Council Committee: NA
Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

ACCEPTING PROPOSAL, AWARDING CONTRACT, APPROVING CONTRACT

WHEREAS, on February 13, 2024 the City Council adopted a motion that directed the City to post notice to bidders and publish notice of a public hearing on the plans, specifications, form of contract and estimated cost for the Bowling Street Trail (Contract No. 325072-02) public improvement project for the City of Cedar Rapids, Iowa, and

WHEREAS said notice to bidders was posted according to law and the notice of public hearing was published in the Cedar Rapids Gazette on February 17, 2024 pursuant to which a public hearing was held on February 27, 2024, and

WHEREAS, sealed bids were received by the Iowa Department of Transportation in Ames, Iowa, on February 20, 2024 for the Bowling Street Trail (IDOT No. TAP-U-1187(819)--8I-57) (City Contract No. 325072-02) for the City of Cedar Rapids, Iowa, and on February 20, 2024 the Iowa Department of Transportation informed the City of Cedar Rapids of the results of the bidding, and

WHEREAS, the Public Works Director/City Engineer, or designee, has now reported the results of the bidding and made recommendations thereon to the City Council on February 27, 2024, and

WHEREAS, the following proposals were received:

Eastern Iowa Excavating & Concrete, LLC, Cascade, IA	\$3,130,076.90
Pirc-Tobin Construction, Inc., Alburnett, IA	\$3,291,157.51
Midwest Concrete, Inc., Peosta, IA	\$3,614,469.95
Rathje Construction Co., Marion, IA	\$3,697,122.29
Tschiggfrie Excavating Co., Dubuque, IA	\$3,869,755.21
Boomerang Corp., Anamosa, IA	\$3,927,440.41
Peterson Contractors Inc., Reinbeck, IA	\$4,377,096.97

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The results of the bidding as conducted by the Iowa Department of Transportation, and the Public Works Director/City Engineer's or designee, report and recommendation thereon at its next meeting are hereby ratified and approved;
2. Eastern Iowa Excavating & Concrete, LLC is the lowest responsive, responsible bidder on said work and the City Engineer, or his designee, has recommended that the City accept its bid and award the contract to it;
3. Subject to approval of the Equal Employment Opportunity Office and registration with the Department of Labor, the bid of Eastern Iowa Excavating & Concrete, LLC is hereby accepted, and the contract for this public improvement is hereby awarded to Eastern Iowa Excavating & Concrete, LLC.
4. The City Manager and City Clerk are hereby directed to sign and execute a contract with said contractor for the construction of the above-described public improvements;

BE IT FURTHER RESOLVED that upon execution by the City Manager and City Clerk, said contract is approved, subject to approval of the bond and insurance by the City of Cedar Rapids Risk Manager and filing of the same with the City of Cedar Rapids Finance Director.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Ken DeKeyser, PE

Description of Agenda Item: REGULAR AGENDA

Report on bids and resolution awarding and approving contract in the amount of \$1,507,346.90, plus incentive up to \$10,000, bond and insurance of E & F Paving Co., LLC for the Crestwood Drive NW Roadway and Pedestrian Improvements project (estimated cost is \$1,710,000) **(Council Priority)**. (Ken DeKeyser).

CIP/DID #301946-03

Council Priority: Strengthen and Stabilize Neighborhoods
EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background:

E & F Paving Co. LLC, Cedar Rapids, IA	\$1,507,346.90
Original Incentive Value	<u>10,000.00</u>
Total Award	\$1,517,346.90
Boomerang Corp., Anamosa, IA	\$1,526,364.29
Eastern Iowa Excavating & Concrete, LLC, Cascade, IA	\$1,569,192.45
Rathje Construction Co., Marion, IA	\$1,572,640.54
Dave Schmitt Construction Company, Inc., Cedar Rapids, IA	\$1,624,672.29
Pirc-Tobin Construction Inc., Alburnett, IA	\$1,672,304.54
Midwest Concrete Inc., Peosta, IA	\$1,714,523.77

E & F Paving Co., LLC submitted the lowest of the bids received on February 28, 2024 for the Crestwood Drive NW Roadway and Pedestrian Improvements project. The bid is within the approved budget. Construction work is expected to begin this spring and anticipated to be completed within 96 working days.

Recommended Action: The Public Works Department recommends approval of the Resolution to award and approve contract in the amount of \$1,507,346.90, plus incentive up to \$10,000, bond and insurance of E & F Paving Co., LLC for Crestwood Drive NW Roadway and Pedestrian Improvements project.

Alternative: If Council chooses not to award the contract for said project, the project could not go forward as proposed unless the bidding process is repeated.

Time Sensitivity: Normal. Chapter 26.10 of the Code of Iowa requires the Bid security to be returned within 30 days after the bid opening. Deferral of the contract award after March 12, 2024 may require re-bidding and affect the construction schedule for the improvements.

Resolution Date: March 12, 2024

Budget Information: 301/301000/301946, NA

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA



February 28, 2024

City Council
City of Cedar Rapids

RE: Report on bids as read for the Crestwood Drive NW Roadway and Pedestrian Improvements, Contract Number 301946-03

Dear City Council:

Bids were received on February 28, 2024, for the Crestwood Drive NW Roadway and Pedestrian Improvements project as follows:

E & F Paving Co., LLC, Cedar Rapids, IA	\$1,507,346.90
Boomerang Corp., Anamosa, IA	\$1,526,364.29
Eastern Iowa Excavating & Concrete, LLC, Cascade, IA	\$1,569,192.45
Rathje Construction Co., Marion, IA	\$1,572,640.54
Dave Schmitt Construction Company, Inc., Cedar Rapids, IA	\$1,624,672.29
Pirc-Tobin Construction Inc., Alburnett, IA	\$1,672,304.54
Midwest Concrete Inc., Peosta, IA	\$1,714,523.77

The engineers cost opinion for this work is \$1,710,000. It is recommended the bids be reviewed by City staff and an action to award or not be presented separately for Council consideration.

Sincerely,

THE CITY OF CEDAR RAPIDS PUBLIC WORKS DEPARTMENT

A handwritten signature in cursive script that reads "Becky Kluesner".

Becky Kluesner
CIP Coordinator

BAK/shh

cc: Bob Hammond, Public Works Director
Ken DeKeyser, PE, PTOE, CFM, City Engineer

Public Works Department
500 15th Avenue S.W. - Cedar Rapids, Iowa 52404-2631 - (319) 286-5778 - Fax (319) 774-5653

RESOLUTION NO. LEG_NUM_TAG

ACCEPTING PROPOSAL, AWARDING CONTRACT, APPROVING CONTRACT

WHEREAS, on February 13, 2024 the City Council adopted a motion that directed the City to post notice to bidders and publish notice of a public hearing on the plans, specifications, form of contract and cost estimate for the Crestwood Drive NW Roadway and Pedestrian Improvements (Contract No. 301946-03) public improvement project for the City of Cedar Rapids, Iowa, and

WHEREAS, said notice to bidders was posted according to law and the notice of public hearing was published in the Cedar Rapids Gazette on February 17, 2024 pursuant to which a public hearing was held on February 27, 2024, and

WHEREAS, the following bids were received, opened and announced on February 28, 2024 by the City Engineer, or designee, and said officer has reported the results of the bidding and made recommendations thereon to the City Council at its next meeting on March 12, 2024:

E & F Paving Co. LLC, Cedar Rapids, IA	\$1,507,346.90
Original Incentive Value	<u>10,000.00</u>
Total Award	\$1,517,346.90
Boomerang Corp., Anamosa, IA	\$1,526,364.29
Eastern Iowa Excavating & Concrete, LLC, Cascade, IA	\$1,569,192.45
Rathje Construction Co., Marion, IA	\$1,572,640.54
Dave Schmitt Construction Company, Inc., Cedar Rapids, IA	\$1,624,672.29
Pirc-Tobin Construction Inc., Alburnett, IA	\$1,672,304.54
Midwest Concrete Inc., Peosta, IA	\$1,714,523.77

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The previous delegation to the City Engineer, or designee, to receive, open, and publicly announce the bids, and report the results thereof to the City Council at its next meeting is hereby ratified and approved;
2. E & F Paving Co., LLC is the lowest responsive, responsible bidder on said work and the City Engineer, or his designee, has recommended that the City accept its bid and award the contract to it;
3. Subject to registration with the Department of Labor, the Bid of E & F Paving Co., LLC is hereby accepted, with the inclusion of the incentive clause, and the contract for this public improvement is hereby awarded to E & F Paving Co., LLC.
4. The City Manager and City Clerk are hereby directed to sign and execute a contract with said contractor for the construction of the above-described public improvements;

BE IT FURTHER RESOLVED that upon execution by the City Manager and City Clerk, said contract is approved, subject to approval of the bond and insurance by the City of Cedar Rapids Risk Manager and filing of the same with the City of Cedar Rapids Finance Director.

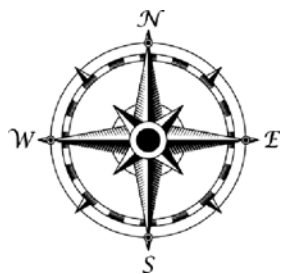
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MayorSignature

Attest:

ClerkSignature





Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Douglas F. Wilson, PE

Description of Agenda Item: REGULAR AGENDA

Report on bids and resolution awarding and approving contract in the amount of \$1,687,882.27, bond and insurance of Pirc-Tobin Construction Inc. for the 16th Avenue SE from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin Pavement and Water Main Improvements project (estimated cost is \$1,760,000). (Doug Wilson).

CIP/DID #301964-02

Council Priority: Not applicable
EnvisionCR Element/Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background:

Pirc-Tobin Construction Inc.	Alburnett,	IA	\$1,687,882.27
Midwest Concrete Inc.	Peosta,	IA	\$1,735,109.33
Dave Schmitt Construction Co., Inc.	Cedar Rapids,	IA	\$1,735,347.12
Boomerang Corp	Anamosa,	IA	\$1,825,964.50
Tschiggfrie Excavating Co	Dubuque,	IA	\$1,862,167.76
Shekar Engineering, P.L.C.	Des Moines,	IA	\$2,667,659.84

Pirc-Tobin Construction Inc. submitted the lowest of the bids received on February 28, 2024 for the 16th Avenue SE from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin Pavement and Water Main Improvements project. The bid is within the approved budget. Construction work is expected to begin this spring and anticipated to be completed within 125 working days.

Recommended Action: The Public Works Department recommends approval of the Resolution to award and approve contract in the amount of \$1,687,882.27, bond and insurance of Pirc-Tobin Construction Inc. for 16th Avenue SE from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin Pavement and Water Main Improvements project.

Alternative: If Council chooses not to award the contract for said project, the project could not go forward as proposed unless the bidding process is repeated.

Time Sensitivity: Normal. Chapter 26.10 of the Code of Iowa requires the Bid security to be returned within 30 days after the bid opening. Deferral of the contract award after March 12, 2024 may require re-bidding and affect the construction schedule for the improvements.

Resolution Date: March 12, 2024

Budget Information:

301/301000/301964 NA; 301/301000/3013023 NA; 625/625000/625884-2021045 NA
655/655000/655017 NA; 304/304000/304544 NA

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA



February 28, 2024

City Council
City of Cedar Rapids

RE: Report on bids as read for the 16th Avenue SE from 2nd Street to 4th Street and 3rd Street
SE from 16th Avenue to Sinclair Basin Pavement and Water Main Improvements project
Contract Number 301964-02

Dear City Council:

Bids were received on February 28, 2024, for the 16th Avenue SE from 2nd Street to 4th Street
and 3rd Street SE from 16th Avenue to Sinclair Basin Pavement and Water Main Improvements
project as follows:

Pirc-Tobin Construction, Inc., Alburnett, IA	\$1,687,882.27
Midwest Concrete, Inc., Peosta, IA	\$1,735,109.33
Dave Schmitt Construction Co., Inc., Cedar Rapids, IA	\$1,735,347.12
Boomerang Corp., Anamosa, IA	\$1,825,964.50
Tschiggfrie Excavating Co., Dubuque, IA	\$1,862,167.76
Shekar Engineering, P.L.C., Des Moines, IA	\$2,667,659.84

The engineers cost opinion for this work is \$1,760,000. It is recommended the bids be reviewed
by City staff and an action to award or not be presented separately for Council consideration.

Sincerely,

THE CITY OF CEDAR RAPIDS PUBLIC WORKS DEPARTMENT



Lee J. Tippe, PE
Project Engineer II

LJT/dso

cc: Bob Hammond, Public Works Director
Ken DeKeyser, PE, PTOE, CFM, City Engineer

Public Works Department

500 15th Avenue SW • Cedar Rapids, Iowa 52404-2631 • (319) 286-5802 • Fax (319) 774-5653

RESOLUTION NO. LEG_NUM_TAG

ACCEPTING PROPOSAL, AWARDING CONTRACT, APPROVING CONTRACT

WHEREAS, on January 23, 2024 the City Council adopted a motion that directed the City to post notice to bidders and publish notice of a public hearing on the plans, specifications, form of contract and cost estimate for the 16th Avenue SE from 2nd Street to 4th Street and 3rd Street SE from 16th Avenue to Sinclair Basin Pavement and Water Main Improvements (Contract No. 301964-02) public improvement project for the City of Cedar Rapids, Iowa, and

WHEREAS, said notice to bidders was posted according to law and the notice of public hearing was published in the Cedar Rapids Gazette on February 17, 2024 pursuant to which a public hearing was held on February 27, 2024 and

WHEREAS, the following bids were received, opened and announced on February 28, 2024 by the City Engineer, or designee, and said officer has reported the results of the bidding and made recommendations thereon to the City Council at its next meeting on March 12, 2024:

Pirc-Tobin Construction Inc.	Alburnett,	IA	\$1,687,882.27
Midwest Concrete Inc.	Peosta,	IA	\$1,735,109.33
Dave Schmitt Construction Co., Inc.	Cedar Rapids,	IA	\$1,735,347.12
Boomerang Corp	Anamosa,	IA	\$1,825,964.50
Tschiggfrie Excavating Co	Dubuque,	IA	\$1,862,167.76
Shekar Engineering, P.L.C.	Des Moines,	IA	\$2,667,659.84

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

1. The previous delegation to the City Engineer, or designee, to receive, open, and publicly announce the bids, and report the results thereof to the City Council at its next meeting is hereby ratified and approved;
2. Pirc-Tobin Construction Inc. is the lowest responsive, responsible bidder on said work and the City Engineer, or his designee, has recommended that the City accept its bid and award the contract to it;
3. Subject to registration with the Department of Labor, the Bid of Pirc-Tobin Construction Inc. is hereby accepted, and the contract for this public improvement is hereby awarded to Pirc-Tobin Construction Inc..
4. The City Manager and City Clerk are hereby directed to sign and execute a contract with said contractor for the construction of the above-described public improvements;

BE IT FURTHER RESOLVED that upon execution by the City Manager and City Clerk, said contract is approved, subject to approval of the bond and insurance by the City of Cedar Rapids Risk Manager and filing of the same with the City of Cedar Rapids Finance Director.

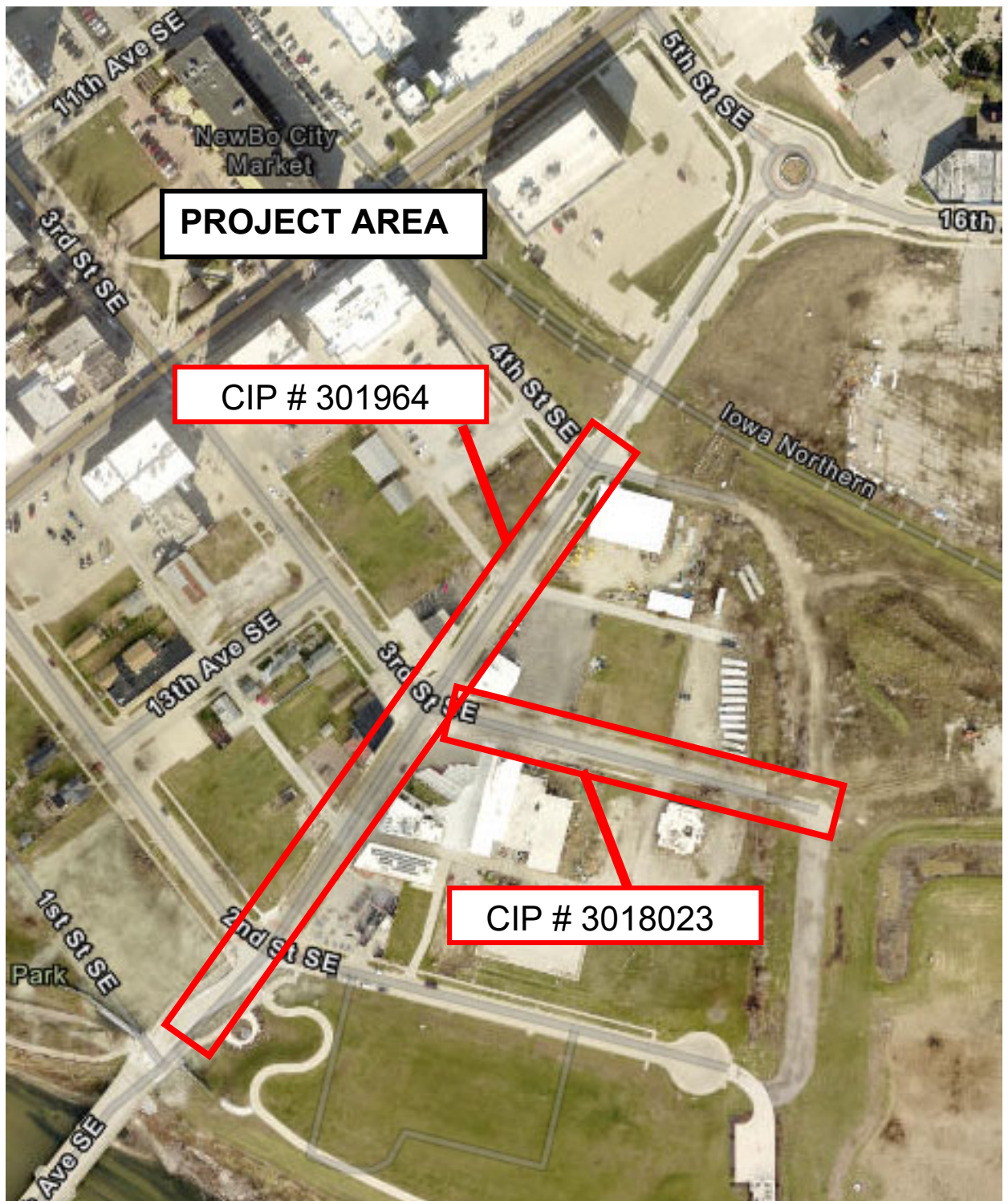
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MayorSignature

Attest:

ClerkSignature



**16TH AVENUE SE FROM 2ND STREET TO
4TH STREET AND 3RD STREET SE FROM
16TH AVENUE TO SINCLAIR BASIN
PAVEMENT AND WATER MAIN
IMPROVEMENTS**



Council Agenda Item Cover Sheet

Submitting Department: Purchasing

Director Contact: Amanda Grieder – a.grieder@cedar-rapids.org – (319) 286-5714

Presenter at Meeting: Jeff Koffron

Description of Agenda Item: REGULAR AGENDA

Report on bids for the Central Fire & Fire Station #3 ADA Renovations project (estimated cost is \$565,000) (Jeff Koffron).

- a. Resolution awarding the bid and approving contract in the amount of \$407,900, bond and insurance of McComas-Lacina Construction LC for the Central Fire & Fire Station #3 ADA Renovations

CIP/DID #PUR1223-156; 360101; 18401

Council Priority: Not applicable

EnvisionCR Goal: Routine business - EnvisionCR does not apply

Background: A public hearing was held February 27, 2024 for the Central Fire & Fire Station #3 ADA Renovations project. This project is to bring Central Fire and Fire Station #3 into ADA Compliance per the DOJ Settlement agreement for the Facilities Maintenance Services Division.

Purchasing Services publicly opened bids on February 28, 2024 at 11:00 am CST. Bids were received from six Contractors. The Cedar Rapids Facilities Maintenance Services Division recommends award to McComas-Lacina Construction LC as the overall lowest responsive and responsible bidder.

A contract will be issued to McComas-Lacina Construction LC. The project is due to be completed by December 31, 2024.

Bid Results:

Company Name	Location	Price
McComas-Lacina Construction LC	Iowa City, IA	\$407,900
Peak Construction Group Inc	North Liberty, IA	\$418,000
Blahnik Construction Company	Cedar Rapids, IA	\$453,075
B&M Construction	Belle Plaine, IA	\$491,500
Tricon General Construction Inc	Dubuque, IA	\$508,000
Unzeitig Construction Company	Cedar Rapids, IA	\$907,800

QA Questionnaire was received and accepted for this project.

Recommended Action: Authorize the City Manager and the City Clerk to execute the Contract as described herein.

Alternative:

Time Sensitivity: Medium

Resolution Date: March 12, 2024

Budget Information: 360101; 18401

Local Preference Policy: Not applicable

Explanation: Public Improvement Project

Recommended by Council Committee: Not applicable

Explanation:



March 12, 2024

TO: City Council, City of Cedar Rapids

RE: Report on bids as read for Central Fire & Fire Station #3 ADA Renovations, RFB #PUR1223-156; 360101; 18401

Bids were received and opened at 11:00 am CST on February 28, 2024 for the Central Fire & Fire Station #3 ADA Renovations project. This project is to bring Central Fire & Fire Station #3 into compliance per the DOJ settlement agreement for the Facilities Maintenance Services Division.

Funding for this project is 360101; 18401.

Six bids were received on February 28, 2024. The bids have been carefully reviewed and it is recommended that the contract be awarded to McComas-Lacina Construction LC. as the overall lowest responsive and responsible bidder. The cost of this project is \$407,900.

Company Name	Location	Price
McComas-Lacina Construction LC	Iowa City, IA	\$407,900
Peak Construction Group Inc	North Liberty, IA	\$418,000
Blahnik Construction Company	Cedar Rapids, IA	\$453,075
B&M Construction	Belle Plaine, IA	\$491,500
Tricon General Construction Inc	Dubuque, IA	\$508,000
Unzeitig Construction Company	Cedar Rapids, IA	\$907,800

Sincerely,

Ann Baker

Ann Baker
Purchasing Agent I

cc: Jeff Koffron

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, on February 13, 2024 the City Council adopted a motion that directed the City to post Notice to Bidders and publish notice of a public hearing on the plans, specifications, form of contract and cost estimate for the Central Fire & Fire Station #3 ADA Renovations project (Contract No. PUR1223-156; 360101; 18401) for the City of Cedar Rapids, Iowa; and

WHEREAS, said Notice to Bidders was posted according to law and the Notice of a Public Hearing was published in the Cedar Rapids Gazette on February 17, 2024 pursuant to which a public hearing was held on February 27, 2024; and

WHEREAS, the following bids were received, opened and announced on February 28, 2024 by the City Purchasing Manager, or designee, and said officer has now reported the bids thereon to the City Council at its next meeting on March 12, 2024; and

Company Name	Location	Price
McComas-Lacina Construction LC	Iowa City, IA	\$407,900
Peak Construction Group Inc	North Liberty, IA	\$418,000
Blahnik Construction Company	Cedar Rapids, IA	\$453,075
B&M Construction	Belle Plaine, IA	\$491,500
Tricon General Construction Inc	Dubuque, IA	\$508,000
Unzeitig Construction Company	Cedar Rapids, IA	\$907,800

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

1. The recitals contained hereinabove are found to be true and correct.
2. The previous delegation to the City Purchasing Manager, or designee, to receive, open and publicly announce the bids, and report the results thereof to the City Council at its next meeting is hereby ratified and approved;
3. McComas-Lacina Construction LC. is the lowest responsive, responsible bidder on said work and the City Purchasing Manager, or designee, has recommended that the City accept its Bid and award the contract to it;
4. Subject to approval of the Equal Employment Opportunity Officer and registration with the Department of Labor, the Bid of McComas-Lacina Construction LC is hereby accepted, and the contract for this public improvement is hereby awarded to McComas-Lacina Construction LC;
5. The City Manager and City Clerk are hereby directed to sign and execute a contract with said contractor for the construction of the above-described public improvements; and

BE IT FURTHER RESOLVED that upon execution by the City Manager and City Clerk, said contract is approved, subject to approval of the bond and insurance by the City of Cedar Rapids Risk Manager and filing of the same with the City of Cedar Rapids Finance Director.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Community Development

Director Contact: Jennifer Pratt – j.pratt@cedar-rapids.org – (319) 538-2552

Presenter at Meeting: Betsy Borchardt and Adam Lindenlaub

Description of Agenda Item: REGULAR AGENDA

Presentation and resolution adopting the 2023 EnvisionCR Updates. (Betsy Borchardt and Adam Lindenlaub).

CIP/DID #OB165740

Council Priority: Not applicable
EnvisionCR Goal: EnvisionCR updates

Background: The City adopted EnvisionCR in 2015 as the City's comprehensive plan. The annual review of EnvisionCR is the time to examine and report on the progress the City is achieving in implementing our comprehensive plan. This review process ensures that this plan is up to date and provides flexibility to account for changing conditions and updates to City Council Priorities. The timing of this review is crucial as it serves as a reminder to City Departments to consider them in the development of their annual budgets and work plans.

The annual review process involves updating two elements and all the Initiatives in EnvisionCR. The status of each Initiative is reviewed and updated accordingly along with comments that provide additional information on the status. Completed Initiatives are removed and new ones may be added. Additionally, the outcome of planning efforts involving public infrastructure and quality of life are also reviewed annually and their action steps updated since these plans are incorporated into the comprehensive plan upon adoption.

This year, the narrative of StrengthenCR and InvestCR was updated in addition to the status of 53 Initiatives. Of these 53 Initiatives, 30 were completed, 5 new ones were added, and 4 were recategorized as ongoing. The action steps of the following infrastructure and quality of life plans were also updated in this review cycle:

- NW Neighborhood Area Action Plan
- Mt Vernon Road Corridor Action Plan
- College District Area Action Plan
- Czech Village/NewBohemia Area Action Plan
- Historic Preservation Plan
- Wellington Heights Neighborhood Plan
- Pedestrian Master Plan
- 6th Street Corridor Action Plan
- Westdale Area Action Plan
- Community Climate Action Plan
- Public Art Plan

- Age Friendly Action Plan

In these plans, 429 Action Steps were updated with 174 completed.

The draft report can be found [here](#).

Recommended Action: City staff recommends the approval of the resolution.

Alternative: City Council may table and request additional information.

Time Sensitivity: NA

Resolution Date: March 12, 2024

Budget Information: NA

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Yes

Recommended by Council Committee: Yes

Explanation: Reviewed and recommended by City Council Development Committee on February 28, 2024.

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OB165740

RESOLUTION NO. LEG_NUM_TAG

WHEREAS, EnvisionCR is the City's Comprehensive Plan, which is a statement of the community's vision for its own future and a guide to achieve that vision, shaped by local community values, ideals, and aspirations about the best management and use of the community's resources, and

WHEREAS, the City Council believes EnvisionCR is a living document that may be subject to amendments to keep it viable for City Staff and the public in order to accomplish its goals, and

WHEREAS, the City Council adopted EnvisionCR per Resolution No. 0171-01-15 on January 27, 2015,

WHEREAS, a review of StrengthenCR, InvestCR, and the EnvisionCR Initiatives was completed by City Departments; and

WHEREAS, the City Planning Commission recommended approval of updates to EnvisionCR on February 1, 2024.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that EnvisionCR is updated.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Finance

Director Contact: Abhi Deshpande – a.deshpande@cedar-rapids.org – (319) 286-5097

Presenter at Meeting: Heidi Stiffler and Sergeant Graham Campshure

Description of Agenda Item: ORDINANCES – Second and possible Third Readings

Ordinance repealing Chapter 61 of the Municipal Code, Traffic Regulations, and enacting a new Chapter 61 in its place to include new and updated definitions; regulate the use of all-terrain vehicles, off-road vehicles, golf carts and snowmobiles; add or increase parking fees; and comply with current practice and relevant law. (Heidi Stiffler and Sergeant Graham Campshure)

CIP/DID #FIN2024-10, OB449776

Council Priority: Clean and Safe City
EnvisionCR Goal: ProtectCR Goal 3: Maintain and provide quality services to the community.

Background: In 2022, the State of Iowa legalized the use of ATV's and UTV's within the state. This law allows for cities to designate roads that ATV's and UTV's can operate on and regulate the usage within their area. As a way to be transparent, provide clear explanation and to maintain and provide quality services to the community changes to Chapter 61 Traffic Regulations include:

- Added definition of All-Terrain Vehicle (61.001 Definitions.)
- Added definition of Golf Cart (61.001 Definitions.)
- Added definition of Off-Road Utility Vehicle (61.001 Definitions.)
- Added definition of Snowmobile (61.001 Definitions.)
- Included provision to prohibit All-Terrain Vehicles, Off-Road Vehicles, Golf Carts, and Snowmobiles from operating on City streets, right of ways, and other public property within the City (61.140)
- Included exemptions to allow for operations by a licensed engineer or land surveyor, governmental entity, a political subdivision, public utility, agent of public agency for providing emergency services or rescue (61.140)
- Included exemption for operation of a snowmobile as allowed per Iowa State Code (61.140)

Other updates are to comply with current practice, relevant law and to increase rates relating to the parking system.

Rate changes include:

- On-street parking – increase from \$1.00/hour to \$1.25/hour
- Parking violations not paid within 30 days – increase from \$5/penalty to \$10/penalty
- Lost ticket fee – increase from \$12 to \$24
- Add verbiage to allow food trucks in lots and ramps at a rate of \$5/day
- Meter placard – increase from \$2/day to \$3/day



Recommended Action: Staff recommend approval of the second and third ordinance readings.

Alternative: N/A

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: N/A

Local Preference Policy: Not applicable

Explanation: N/A

Recommended by Council Committee: Yes

Explanation: Changes to Chapter 61 of the Municipal Code, Traffic Regulations, to include definitions of All-terrain Vehicles, Golf Cart, Off-Road Vehicle, and Snowmobile and to create specific regulations applicable to the usage of the vehicles were presented to the Public Safety and Youth Services Committee meeting on December 4, 2023. Other changes were not submitted to a Council Committee.

ORDINANCE NO. LEG_NUM_TAG

AN ORDINANCE REPEALING CHAPTER 61 OF THE MUNICIPAL CODE, TRAFFIC REGULATIONS, AND ENACTING A NEW CHAPTER 61 IN ITS PLACE TO INCLUDE NEW AND UPDATED DEFINITIONS; REGULATE THE USE OF ALL-TERRAIN VEHICLES, OFF-ROAD VEHICLES, GOLF CARTS AND SNOWMOBILES; ADD OR INCREASE PARKING FEES; AND COMPLY WITH CURRENT PRACTICE AND RELEVANT LAW

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA as follows:

Section 1. Chapter 61 of the Cedar Rapids Municipal Code, Traffic Regulations, is hereby repealed and in its place a new Chapter 61, Traffic Regulations, is enacted as follows:

“CHAPTER 61 – TRAFFIC REGULATIONS

61.001 DEFINITIONS.

Terms used in this Chapter have the following meanings:

Alley: A thoroughfare laid out, established, and platted as such, by constituted authority.

All-Terrain Vehicle (ATV): The definition of “all-terrain vehicle” in Iowa Code Section 321.1 (2023), as may be amended, is hereby adopted by reference.

Authorized emergency vehicle: A vehicle of the fire department, police vehicles, ambulances, and emergency vehicles owned by the United States, this state, any subdivision of this state, or any municipality of this state, and privately owned vehicles designated or authorized by the Director of Transportation of the State of Iowa.

Bicycle: Defined as either of the following: (1) A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.; or (2) A device having two or three wheels with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour (i.e., e-bike).

Business district: That territory in the City contiguous to and including a street when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

Chauffeur: A person who operates a motor vehicle in the transportation of persons, including school busses, for wages, compensation, or hire, or any person who operates a truck tractor, road tractor, or any motor truck which is required to be registered at a gross weight classification exceeding five tons, or any such motor vehicle exempt from registration which would be within such gross weight classification if not so exempt, except when such operation by the owner or operator is occasional and merely incidental to their principal business.

Subject to the provisions of Section 321.1(8) of the Code of Iowa, a farmer or their hired help shall not be deemed a chauffeur, when operating a truck owned by the farmer, and used exclusively in connection with the transportation of the farmer's own products or property.

Centralized Paystation: A device which allows users of multiple different parking spaces to pay for parking at the same location by entering a parking space number, license plate number, or other identifier(s) and inserting payment therefor.

Combination or combination of vehicle: A group consisting of two or more motor vehicles, or a group consisting of a motor vehicle and one or more trailers, semitrailers, or vehicles, which are coupled or fastened together for the purpose of being moved on the highway as a unit.

Controlled-access facility: Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the Iowa State Highway Commission.

Council's Designee: A person or entity designated by Resolution of the Cedar Rapids City Council as the party responsible for carrying out certain parking requirements of this Chapter.

Crosswalk: That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections; or, any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Driver: A person who drives or is in actual physical control of a vehicle.

Golf Cart: A four-wheeled recreational vehicle generally used for the transportation of person(s) in the sport of golf, that is limited in engine displacement to less than 800 cubic centimeters (or the electric equivalent) and total dry weight of less than 1,100 pounds. Note that a vehicle with appearance of a "golf cart" but satisfying the requirements of 49 CFR 571.500 (i.e., is a "low speed vehicle") is not subject to this Chapter but rather to Iowa Code Section 321.381A.

Intersection: The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict.

Individual parking space: The portion of the paved surface of the street of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked as shall be specified and marked off by the Department of Public Safety.

Laned highway: A street or highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.

Micromobility Device: Any device meant to carry one rider or operator and that is not required to be licensed or registered by the State of Iowa. Micromobility devices may be propelled either by the power of the rider or by an electric motor of less than seven hundred and fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour. Micromobility devices include, but are not limited to, unicycles, electric unicycles, tricycles, electric stand-up scooters, electric sit down scooters, Segways, skateboards, motorized skateboards, rollerblades, and hoverboards.

Meter Patrol Officer: An employee of the Council's Designee whose job duties include enforcing any parking requirements of this Chapter.

Method of measurement: In determining a business district, residence district, school district, or suburban district, the linear measure of the plot of ground upon which the building is located abutting upon the street shall be deemed “frontage occupied by the building,” and the phrase “frontage on such street for a distance of 300 feet or more” shall mean the total frontage on both sides of the street for such distance.

Motor vehicle: A vehicle which is self-propelled and not operated upon rails. The terms “car” or “automobile” shall be synonymous with the term “motor vehicle.”

Official traffic control device: Any sign, signal, marking, or device not inconsistent with this Chapter or the laws of Iowa, which are placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Off-Road Utility Vehicle (UTV): The definition of “off-road utility vehicle” in Iowa Code Section 321I.1 (2023), as may be amended, is hereby adopted by reference.

Operator: A person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a street or highway.

Owner: A person who holds the legal title of a vehicle; or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, a conditional vendee or mortgagor.

Parking Meter: One or more of the following: (1) A device or devices which shall indicate thereon the length of time during which a vehicle may be parked in a particular place and which shall have as part thereof a receptacle or chamber for receiving and storing U.S. coins, a slot or place in which said coins may be deposited; a timing mechanism to indicate the passage of the interval of time which shall have lapsed and brief instructions as to its operation; and/or (2) a sign or combination of signs containing a parking space number and/or an instruction to use that space or vehicle license plate number at a Centralized Paystation or via Pay by Phone, as defined herein.

Parking or parked: The standing of a vehicle upon any street, alley or public way in the City whether occupied or not.

Pay by Phone: A software or application that facilitates payments for parking via mobile device and/or a web-based application.

Peace officer: Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations in addition to its meaning in Section 801.4 of the Code of Iowa.

Pedestrian: Any person afoot or using a mobility aid designed for use on a sidewalk or footway.

Private road or driveway: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Railroad sign or signal: Any sign, signal, or device in the City erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Railroad train: A railroad engine with or without cars coupled thereto, operated upon rails.

Residence district: That territory in the City which is contiguous to and including a street, not comprising a business, suburban or school district where forty percent or more of the frontage on any such street for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.

Right-of-way: The privilege of the immediate use of the street.

Roadway: That portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

Safety zone: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School bus: A vehicle operated for the transportation of children to or from school, except a privately owned vehicle, not operated for compensation or used exclusively in the transportation of the children in the immediate family of the driver.

School district: That territory in the City contiguous to and including a street for a distance of 200 feet in either direction from a schoolhouse.

School zone: As used in this Chapter, the term school zone shall have the same meaning as is set forth in the “Manual on Uniform Traffic Control Devices” as adopted and amended from time to time by the Iowa Department of Transportation, provided, however, that to constitute a school zone for purposes of this Chapter, the area in question shall also be posted with signs in accordance with said Manual.

Semi-trailer: A vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Whenever the word “trailer” occurs in this Chapter it shall be construed to also include “semi-trailer.”

Sidewalk: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Snowmobile: The definition of “snowmobile” in Iowa Code Section 321G.1 (2023), as may be amended, is hereby adopted by reference.

Standing: Any stopping of a vehicle, whether occupied or not.

Stop: When required, means complete cessation of movement.

Stop or stopping: When prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

Street or highway: The entire width between property lines of every way or place of whatever nature in the City when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic. The word highway as used in this Chapter shall be synonymous with the word street.

Suburban district: All other territory in the City not included in the business, school, or residence districts.

Through, or thru highway: A street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law or ordinance to stop before

entering or crossing the same and when stop signs are erected as provided by law or such entrances are controlled by a police officer or traffic control signal. The term “arterial” shall be synonymous with “through” or “thru” when applied to the streets of the City.

Trailer: A vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Traffic: Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together, while using any street for purpose of travel.

Truck tractor: A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, highway, or sidewalk.

“Vehicle” does not include:

- a. Any bicycle or micromobility device.
- b. Any device used exclusively upon stationary rails or tracks.
- c. Any personal delivery device operated pursuant to Chapter 321O of the Code of Iowa.
- d. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.
- e. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

61.002 PROVISIONS REFER TO STREETS.

The provisions of this Chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon streets of the City of Cedar Rapids (“City”) except where a different place is specifically referred to in a given section, and except for those provisions which relate to accidents and reckless driving.

61.003 AUTHORITY OF THE POLICE.

- (a) **Police to Direct Traffic.** It shall be the duty of the Police Department to enforce the provisions of this Chapter. Members of the Police Department are hereby authorized to direct all traffic, either in person or by means of visible or audible signal in conformity with the provisions of this Chapter, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, members of the Police, Fire, or Traffic Engineering Departments may direct traffic, as conditions may require, notwithstanding the provisions of this Chapter, and provided further, that railway crossing flagmen shall have the power and authority to direct traffic at railway crossings.

- (b) **Emergency Regulations.** The City Manager is hereby empowered to make and enforce regulations necessary to make effective the provisions of this Chapter and to make and enforce temporary regulations to cover emergencies or special conditions.

61.004 OBEDIENCE TO POLICE OFFICERS.

No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law or ordinance with authority to direct, control, or regulate traffic, and no person shall willfully fail or refuse to comply with any lawful order or direction of any railway crossing flagman in the City while directing traffic.

61.005 PUBLIC OFFICERS NOT EXEMPT.

The provisions of this Chapter applicable to the drivers of vehicles upon the streets of the City shall apply to the drivers of all vehicles owned or operated by the United States, State of Iowa, or any county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are hereinafter set forth with reference to authorized emergency vehicles.

61.006 AUTHORIZED EMERGENCY VEHICLES.

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public or when responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in this section.
- (b) The driver of any authorized emergency, vehicle may:
1. Park or stand an authorized emergency vehicle, irrespective of the provisions of this Chapter.
 2. Disregard laws or regulations governing direction of movement for the minimum distance necessary before an alternative route that conforms to the traffic laws and regulations is available.
- (c) The driver of a Fire Department vehicle, police vehicle, or ambulance may:
1. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 2. Exceed the maximum speed limits so long as the driver does not endanger life or property.
- (d) The exemptions granted to an authorized emergency vehicle under subsection (b) and for a Fire Department vehicle, police vehicle, or ambulance as provided in subsection (c) shall apply only when such vehicle is making use of an audible signaling device meeting the requirements of Section 321.433 of the Code of Iowa, or a visual signaling device approved by the State Department of Transportation, except that use of an audible or visual signaling device shall not be required when exercising the exemption granted under subsection (c) paragraph 2 of this section when the vehicle is operated by a peace officer, pursuing a

suspected violator of the speed restrictions imposed by or pursuant to this Chapter, for the purpose of determining speed of travel of such suspected violator.

- (e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

61.007 (Repealed by Ordinance No. 51-78)

61.008 ROAD WORKERS EXEMPTED.

The provisions of this Chapter, except the provisions of Section 61.028, shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a street officially closed to traffic but shall apply to such persons and vehicles when traveling to or from such work. The provisions of this Chapter shall not apply to maintenance equipment operated by or under lease to any state or local authority while engaged in road maintenance work, including to or from such work.

61.009 BICYCLES, MICROMOBILITY DEVICES, AND ANIMAL-DRAWN VEHICLES.

Every person riding a bicycle, micromobility device, or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle, except those provisions of this Chapter that by their nature can have no application.

61.010 REGISTRATION CARD SIGNED CARRIED AND EXHIBITED.

A vehicle's registration card shall at all times be carried in the vehicle to which it refers and shall be shown to any police officer upon the officer's request.

61.011 DRIVER'S LICENSE.

- (a) No person, except those expressly exempt by the laws of Iowa, shall drive any motor vehicle upon any street in the City, unless such person has a valid license as an operator or chauffeur issued by a state Department of Transportation. No person shall operate a motor vehicle as a chauffeur unless the person holds a valid chauffeur's license. No person shall operate a motorized bicycle upon any street in the City unless the person has an operator's or chauffeur's license valid for operation of a motorcycle or a valid motorized bicycle license.
- (b) Every licensee shall have their operator's or chauffeur's, or motorized bicycle license in their immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a judicial magistrate or district associate judge, a peace officer, or a field deputy, or examiner of the Iowa Department of Transportation. However, no person charged with violating this section shall be convicted if they produce in court, within a reasonable time, an operator's or chauffeur's or motorized bicycle license issued to them and valid at the time of their arrest.

61.012 RESPONSIBILITY FOR MINORS.

- (a) No person shall cause or knowingly permit their child or ward under the age of 18 years to drive a motor vehicle upon any street or area in the City when such minor is not authorized to do so under the provisions of the Code of Iowa, or in doing so would violate any of the provisions of the Code of Iowa or this Chapter.
- (b) No person shall authorize or knowingly permit a motor vehicle owned by them or under their control to be driven upon any street or area in the City by any person who is not authorized to do so under the provisions of the Code of Iowa or in doing so would violate any of the provisions of the Code of Iowa or this Chapter.

61.013 DRIVING WHILE LICENSE DENIED, SUSPENDED, OR REVOKED.

No person whose operator's or chauffeur's license or driving privilege has been denied, canceled, suspended, or revoked as provided in Chapter 321 of the Code of Iowa shall drive any motor vehicle upon any street of the City while such license or privilege is denied, canceled, suspended, or revoked. The sentence imposed under this section shall not be suspended by the court, notwithstanding the provisions of Section 907.3 of the Code of Iowa or any other provision of statute.

61.014 OFFICIAL TRAFFIC CONTROL DEVICES, SIGNS, SIGNALS, AND MARKINGS.

- (a) The City Traffic Engineer or designee under the direction of the Cedar Rapids City Council ("City Council") shall place and maintain or cause to be placed and maintained all such official traffic control devices, signs, signals, and markings upon the streets and bridges in the City as the City Council may deem necessary to indicate and to carry out the provisions of this Chapter, or to regulate, warn, or guide traffic.
- (b) No official traffic control device, sign, signal, or marking shall be placed upon any street which is under the jurisdiction of the State Department of Transportation except by the latter's permission.
- (c) Wherever, by the provisions of this Chapter or by the provisions of the laws of Iowa, it is necessary to place and maintain any official traffic control device, sign signal or marking upon the streets or bridges in the City in order to make such regulation effective, the City Traffic Engineer or designee under the control of the City Council is hereby authorized to place and maintain such official traffic control devices, signs, signals, or markings.
- (d) No person shall place any traffic control device, sign, signal, or marking upon any street in the City for the purpose of regulating, guiding or warning traffic, or for the parking of vehicles, without authority of the Council or as provided in Sections 9.17, 9.21, 9.25, 33A.01, 61.094 and 61.094A of this Code.

61.015 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES.

No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this Chapter unless at the time otherwise directed by a police

officer. The existence of any traffic control device shall be prima facie evidence that the instructions of such device are in accord with these traffic regulations.

61.016 TRAFFIC CONTROL SIGNAL LEGEND.

- (a) For the purposes of this section “stop at the official traffic control signal” means stopping at the first opportunity at the clearly marked stop line, before entering the crosswalk, or before entering the intersection, whichever is first.
- (b) Official traffic control signals consisting of colored lights, colored lighted arrows, or audible indicators shall regulate vehicle and pedestrian traffic in the following manner:
 - 1. A steady circular red light, regardless of prior signal, means vehicular traffic shall stop. Vehicular traffic shall remain standing until a signal to proceed is shown or, unless prohibited by a sign, may cautiously enter the intersection to make a right turn from the right lane of traffic or a left turn from a one-way street to a one-way street from the left lane of traffic on a one-way street onto the leftmost lane of traffic on a one-way street. Turns made under this paragraph shall be made in a manner that does not interfere with other vehicular or pedestrian traffic lawfully using the intersection. Pedestrian traffic facing a steady circular red light shall not enter the roadway unless the pedestrian can safely cross the roadway without interfering with any vehicular traffic.
 - 2. A steady circular yellow or steady yellow arrow light, regardless of prior signal, means vehicular traffic is warned that the related green movement is being terminated and vehicular traffic shall no longer proceed into the intersection and shall stop. If the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. Pedestrian traffic is warned that there is insufficient time to cross the intersection and any pedestrian starting to cross the roadway shall yield the right of way to all vehicles.
 - 3. A steady circular green light means vehicular traffic may proceed straight, turn right, or turn left through intersection unless otherwise specifically prohibited. Vehicular traffic shall yield the right of way to other vehicular and pedestrian traffic lawfully within the intersection.
 - 4. A steady green arrow light shown alone or with another official traffic control signal means vehicular traffic may cautiously enter the intersection and proceed in the direction indicated by the arrow. Vehicular traffic shall yield the right of way to other vehicles and pedestrians lawfully within the intersection.
 - 5. A flashing circular red light means vehicular traffic shall stop and, after stopping, may proceed cautiously through the intersection, yielding to all vehicles not required to stop or yield which are within the intersection or approaching so closely as to constitute a hazard.
 - 6. A flashing circular yellow light means vehicular traffic shall proceed through the intersection or past such signal with caution.
- (c) Official traffic control signals consisting of “walk” or “don’t walk” lights or similar audible indicators shall regulate vehicular and pedestrian traffic in the following manner:
 - 1. A steady or flashing don’t walk light or similar audible indicator is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal shall not start to cross the roadway in the direction of the pedestrian signal, and pedestrian traffic in the crossing shall proceed to a safety zone.

2. A steady or flashing walk light or similar audible indicator is a pedestrian signal which means that pedestrian traffic facing the illuminated pedestrian signal may proceed to cross the roadway in the direction of the pedestrian signal and shall be given the right of way by drivers of all vehicles.

61.018 UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS.

- (a) No person shall place, maintain, or display upon or in view of any street any sign, signal, marking, or device which purports to be or is an imitation of or resembles an official parking sign, curb or other marking, traffic control device, or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, if such sign, signal, marking, or device has not been authorized by the State Department of Transportation, and the public authority having jurisdiction over streets within the City, and no person shall place or maintain, nor shall any public authority permit, upon any street any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to streets of signs giving useful directional information of a type that cannot be mistaken for official signs.
- (b) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the street is hereby empowered to remove the same or cause it to be removed without notice.

61.019 INTERFERENCE WITH DEVICES, SIGNS, OR SIGNALS.

- (a) No person shall willfully and intentionally, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device, any authorized warning sign or signal or barricade, whether temporary or permanent, any railroad sign or signal, any inscription, shield or insignia on any of such devices, signs, signals, or barricades, or any other part thereof.
- (b) It shall be unlawful for any person to have in their possession any official traffic control device except by reason of their employment.

61.020 DESTRUCTION OF TAGS.

No person shall remove, alter, or destroy any tag or marking placed on any vehicle by any police officer of the City except that the operator or driver of such vehicle shall have the right to remove the same just before or after moving the vehicle from the place where it is stopped or parked.

61.021 ACCIDENTS, DAMAGE TO VEHICLE.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and, in every event, shall remain at the scene of such accident until the driver has fulfilled the requirements of Section

61.023 of this Chapter. Every such stop shall be made without obstructing traffic more than is necessary.

61.022 ACCIDENTS, DEATH, OR PERSONAL INJURY.

- (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forth with return to and, in every event, remain at the scene of the accident until the driver has fulfilled the requirements of Section 61.023. Every such stop shall be made without obstructing traffic more than is necessary.
- (b) Any person failing to stop or to comply with said requirements under such circumstances shall upon conviction be punished by imprisonment for 30 days or by a fine of \$100.

61.023 ACCIDENTS, INFORMATION AND AID.

- (a) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give their name, address, and the registration number of the vehicle they are driving and shall, upon request and if available, exhibit their operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.
- (b) If the accident causes the death of any person, the surviving driver shall not leave the scene of the accident except to seek necessary aid for themselves or to report the accident to law enforcement authorities. Before leaving the scene of the accident, the surviving driver shall leave their automobile registration receipt or other identification data at the scene of the accident. After leaving the scene of the accident, the surviving driver shall promptly report the accident by telephone to law enforcement authorities, and shall immediately return to the scene of the accident, or shall inform the authorities where they can be located.

61.024 STRIKING UNATTENDED VEHICLE.

The driver of any vehicle which collides with any unattended vehicle shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

61.025 STRIKING FIXTURES ON PUBLIC OR PRIVATE PROPERTY.

The driver of any vehicle involved in an accident resulting only in damage to property legally upon or adjacent to public or private property shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the person's name and address and of the registration number of the vehicle they are driving and shall upon request and if

available exhibit their operator's or chauffeur's license and shall make report of such accident when and as required in Section 61.026 of this Chapter.

61.026 REPORTING ACCIDENTS.

- (a) A driver of a vehicle involved in an accident resulting in the injury to or death of any person, or total property damage to an apparent extent of \$1,000.00 or more, shall within 72 hours after the accident make a written report of the same at the office of the Chief of Police on a standard form provided by the Police Department. In the event that an accident is investigated by the officers of the Police Department, the drivers of the vehicles involved in the accident shall not be required to file the aforesaid report at the office of the Chief of Police.
- (b) Compliance with this section shall in no manner relieve any driver involved in an accident from filing such reports as required by the laws and regulations of the State of Iowa, and in particular from reporting such information at the office of the Chief of Police as required by Section 321.266 of the Code of Iowa.

61.027 DRIVER UNABLE TO REPORT.

Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made the report.

61.028 RECKLESS DRIVING.

Any person who drives any vehicle in such manner as to indicate either a willful or a wanton disregard for the safety of person or property is guilty of reckless driving.

61.029 SPEED RESTRICTIONS.

- (a) Any person driving a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street, and of any other conditions then existing, and no person shall drive any vehicle upon a street at a speed greater than will permit them to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.
- (b) The following shall be the lawful speed limit, except as otherwise modified in this Chapter and any speed in excess thereof shall be unlawful:
 - 1. 10 miles per hour on Transit Way SE between 4th and 5th Avenue SE and on all public alleys within the corporate limits of the City.
 - 2. 25 miles per hour in any school zone (as defined in this Chapter) posted with signs reading "25 mph" and "When Flashing" whenever the beacon associated with those signs are flashing.

3. 25 miles per hour in any school zone (as defined in this Chapter) posted with signs reading “25 mph” and a sign depicting the time period and day of the week the speed limit is to be in effect.
4. 25 miles per hour on all streets within the corporate limits of the City unless otherwise stated in this section.
5. 15 miles per hour on the following streets:

12th Avenue SE from 19th Street SE to Van Vechten Park Road.
16th Avenue SW from “A” Street SW to “C” Street SW.
6. 20 miles per hour on the following streets with City Council approved angled parking:

1st Street SE from 3rd Avenue SE to 8th Avenue SE.
4th Avenue SE from 6th Street SE to the Cedar River.
5th Street SE from 3rd Avenue SE to 5th Avenue SE.
7. 30 miles per hour on the following streets:

1st Avenue East from a point 200 feet northeast of 5th Street East to a point 50 feet northeast of 10th Street East.
1st Avenue West from Williams Boulevard to LaSalle Drive SW.
1st Avenue West from Julia Anne Drive to Broadmore Road.
1st Street West from “C” Street SW to “O” Avenue NW.
2nd Avenue from 1st Street SE to 3rd Avenue SW.
2nd Avenue SE from 19th Street SE to 5th Street SE.
3rd Avenue from 1st Avenue West to the east end of the 3rd Avenue bridge.
3rd Avenue SE from 5th Street SE to 19th Street SE.
3rd Street SW from 15th Avenue SW to I-380 ramp just south of Diagonal Drive SW.
3rd Street West from 3rd Avenue SW to “I” Avenue NW.
4th Avenue SE from 19th Street SE to 6th Street SE.
5th Avenue SE from 5th Street SE to 19th Street SE.
6th Street SW from 1st Avenue West to 16th Avenue SW.
7th Street East from “C” Avenue NE to 12th Avenue SE.
8th Avenue SW from Williams Blvd. SW to 15th Street SW.
8th Avenue from a point 50 feet east of 13th Street SW to 10th Street SE.
8th Street East from 12th Avenue SE to “C” Avenue NE.
10th Street East from “A” Avenue NE to 8th Avenue SE.
12th Avenue from Van Vechten Park Road SE to “C” Street SW.
12th Street SE from 1st Avenue East to 3rd Avenue SE.
13th Street SE from 3rd Avenue SE to 1st Avenue East.
15th Avenue SW from “C” Street SW to 16th Avenue SW.
15th-16th Avenue SW connection from 16th Avenue SW to “C” Street SW.
15th Street SW from 14th Avenue SW to 1st Avenue West.
16th Avenue SW from 6th Street SW to 15th-16th Avenue SW connection.
17th Street NE from 1st Avenue East to Elmhurst Drive NE.
18th Street NW from 1st Avenue W to “E” Avenue NW.
18th Street SW from 16th Avenue SW to 33rd Avenue SW.
19th Street SE from 1st Avenue East to 12th Avenue SE.
20th Avenue SW from Edgewood Road SW to West Post Road SW.
26th Street NW from Ellis Road NW to Zika Avenue NW.
29th Street NE from 1st Avenue East to Juhl Drive NE.
29th Street Drive SE from 1st Avenue East to 30th Street Drive SE.
30th Street Drive SE from 29th Street Drive SE to the east city limits.

32nd Street NE from 1st Avenue East to Glass Road NE.
 33rd Avenue SW from "J" Street SW to 6th Street SW.
 33rd Avenue SW from Edgewood Road SW to Royal Drive SW.
 34th Street SE from Mt. Vernon Road SE to Cottage Grove Avenue SE.
 35th Street NE from 1st Avenue East to Oakland Road NE.
 40th Street NE from 1st Avenue East to "C" Avenue NE.
 42nd Street NE from Westchester Drive NE to Old Marion Road NE.
 42nd Street NE from "C" Avenue NE to "F" Avenue NE.
 44th Avenue SW from Beverly Road SW to Pro Farmer Road SW.
 50th Avenue SW from "J" Street to Bowling Street SW.
 51st Street NE from Center Point Road to Council Street NE.
 "A" Avenue NE from 1st Street NE to Coe Road NE.
 "C" Avenue NE from 40th Street to Collins Road NE.
 "C" Street SW from 16th Avenue SW to 1st Street SW.
 "C" Street SW from Bowling Street to Wilson Avenue Drive SW.
 "E" Avenue NW from Robyn Lane NW to a point 240 feet west of 15th Street NW.
 "E" Avenue from a point 200 feet east of 13th Street NW to 1st Street NE.
 "E" Avenue NE from Oakland Road to 20th Street NE.
 "E" Avenue NW from Jonadel Lane NW to a point 400 feet west of Cherry Hill Road NW.
 "F" Avenue NE from 1st Street East to a point 100 feet west of 16th Street NW.
 "F" Avenue NE from 42nd Street NE to Collins Road NE.
 "H" Avenue NE from Oakland Road NE to Shaver Road NE.
 "J" Avenue NE from Oakland Road NE to Shaver Road NE.
 "J" Avenue NE from Wenig Road NE to Long Bluff Road NE.
 "J" Street SW from Oklahoma Avenue SW to Miller Avenue SW.
 "J" Street SW from 16th Avenue SW to 33rd Avenue SW.
 "L" Street SW from 1st Avenue West to 3rd Avenue SW.
 "L" Street SW from I-380 ramp just south of diagonal Drive SW to I-380 ramp just south of Wilson Avenue SW.
 "O" Avenue NW from Edgewood Road NW to 1st Street NW.
 Bever Avenue SE from 3rd Avenue SE to 34th Street SE.
 Blake Boulevard SE from 3rd Avenue SE to Forest Drive SE.
 Blue Jay Drive NE from 42nd Street NE to Glass Road NE.
 Bowling Street SW from Wilson Avenue SW to "C" Street SW.
 Boyson Road NE from Council Street NE to the west city limits.
 Boyson Road NE from "C" Avenue NE to the east city limit.
 Center Point Road NE from Coe Road NE to 32nd Street NE.
 Coe Road NE from Center Point Road NE to 1st Avenue East.
 Coldstream Avenue NE from Juhl Drive NE to Sierra Drive NE.
 College Drive NE from 1st Avenue East to Oakland Road NE.
 Cottage Grove Avenue SE from 1st Avenue East to Indian Creek.
 Dean Road SW from Williams Boulevard/U.S. 151 to Stoney Point Road.
 Diagonal Drive SW from "L" Street SW to 8th Avenue SW.
 Ellis Boulevard/Ellis Road NW from "E" Avenue NW to a point 1/2 mile west of Edgewood Road.
 Elmhurst Drive NE from 17th Street NE to Maplewood Drive NE.
 Glass Road NE from 32nd Street NE to Edgewood Road NE.
 Grande Avenue SE from 3rd Avenue SE to Bever Park.
 Jacolyn Drive NW from Wilson Avenue SW to "E" Avenue NW.
 Johnson Avenue NW from Edgewood Road NW to 18th Street NW.
 Juhl Drive NE from Glass Road NE to Coldstream Avenue NE.
 Kirkwood Parkway SW from "C" Street to Kirkwood College Campus.
 McCarthy Road SE from Van Vechten Park Road SE to Memorial Drive SE.
 Memorial Drive SE from Otis Road SE to Bever Avenue SE.

Miller Avenue SW from "J" Street SW to Kirkwood Blvd. SW.
 Miller Avenue Drive SW from Kirkwood Blvd. SW to the east city limits.
 North River Boulevard NE from Ushers Ferry Road NE to Edgewood Road NE.
 Northland Avenue NE from Collins Road to the north city limits.
 Oakland Road NE from College Drive NE to Golf Street NE.
 Oklahoma Avenue SW from "J" Street SW to Kirkwood Blvd. SW.
 Old Marion Road NE from Golf Street NE to "C" Avenue NE.
 Park Place NE from Council Street to Rockwell Drive NE.
 Rockford Road SW from Wilson Avenue SW to 3rd Avenue SW.
 Scotty Drive SW from 20th Avenue SW to Wilson Avenue SW.
 Waconia Avenue SW from 6th Street SW to Willow Creek Drive SW.
 Westdale Drive SW from Williams Blvd. to Wilson Avenue SW.
 West Post Road from 16th Avenue SW to Plainview Drive NW.
 Wiley Blvd. NW from Johnson Avenue NW to F Avenue NW.
 Willow Creek Drive SW from Waconia Avenue SW to 60th Avenue SW.
 Wilson Avenue SW from Bowling Street SW to Wiley Blvd. SW.
 Wilson Avenue Drive SW from Bowling Street SW to "C" Street SW.
 Zika Avenue NW from 26th Street to Ellis Park.

8. 35 miles per hour on the following streets:

1st Avenue East from east city limits to a point 50 feet northeast of 10th Street East.
 1st Avenue West from a point 200 feet northeast of 1st Street SW to Williams Blvd. SW.
 3rd Street SW from the I-380 ramp just south of Diagonal Drive SW to 3rd Avenue SW.
 6th Street SW from 16th Avenue SW to 31st Avenue SW.
 11th Street NE from "H" Avenue NE to "J" Avenue NE.
 12th Street SW from 33rd Avenue SW to Wilson Avenue SW.
 16th Avenue SW from 6th Street SW to a point 500 feet west of Edgewood Road.
 18th Street SW from 1,000 feet south of Wilson Avenue SW to 33rd Avenue SW.
 21st Street SW from 33rd Avenue SW to 26th Street SW.
 26th Street SW from 21st Street SW to Prairie Creek.
 29th Avenue SW from Edgewood Road SW to Wiley Blvd. SW.
 33rd Avenue SW from Edgewood Road SW to Wiley Blvd. SW.
 33rd Avenue SW from 6th Street SW to Royal Drive SW.
 41st Avenue Drive SW from Bowling Street to "C" Street SW.
 42nd Street NE from the west city limits to Westchester Drive NE.
 42nd Street SE from Mt. Vernon Road SE to the south city limits.
 60th Avenue SW from 6th Street SW to Willow Creek Drive SW.
 74th Street NE from "C" Avenue NE to Council Street NE.
 "C" Avenue NE from Collins Road to East Robins Road NE.
 "C" Street SW from Wilson Avenue Drive to a point 2,500 north of U.S. Highway 30.
 "E" Avenue NW from Robyn Lane NW to Jonadel Lane NW.
 "E" Avenue NW from a point 400 feet west of Cherry Hill Road NW to the west city limits.
 "J" Avenue NE from Wenig Road NE to Shaver Road NE.
 "J" Street SW from 33rd Avenue SW to Miller Avenue SW.
 "L" Street SW from 3rd Avenue SW to I-380 ramp just south of Diagonal Drive SW.
 Blairs Ferry Road NE from Hiawatha's west city limits to Crane Lane NE.
 Blairs Ferry Road NE from Chicago, Milwaukee, St. Paul & Pacific Railroad to the east city limits.
 Bowling Street SW from 33rd Avenue SW to Wilson Avenue SW.
 Boyson Road NE from "C" Avenue NE to Council Street NE.
 Center Point Road NE from 32nd Street NE to the north city limits.
 Collins Road/Iowa 100 from a point 850 feet southeasterly of 1st Avenue East to a point 300 feet west of "C" Avenue NE.
 Cottage Grove Avenue SE from Indian Creek to the east city limits.

Council Street NE from Collins Road NE to the north city limits.
 East Main Street NE from west city limits to C Avenue NE.
 East Post Road SE from Mt. Vernon Road SE to the north city limits.
 Edgewood Road NW from Johnson Avenue NW to Edgewood Lane NW.
 Edgewood Road from Johnson Avenue NW to Prairie Creek SW.
 Ely Road SW (North of U.S. Highway 30) from Old River Road to a point 800 feet south of Worthington Drive.
 Hawkeye Downs Road SW from "J" Street SW to 6th Street SW.
 Johnson Avenue from West Post Road SW to Edgewood Road NW.
 Madison Street NE (northbound collector road) from 29th Street NE to Glass Road NE.
 Milburn Road NE from Blairs Ferry Road NE to a point 300 feet north of West Mustang Road.
 Miller Road NE from Carpenter Road to Blairs Ferry Road.
 Miller Road NE from a point 330 feet north of Grey Wolf Lane NE to a point 3700 feet south of Tower Terrace Road NE.
 Mt. Vernon Road SE from east city limits to 8th Avenue SE.
 Otis Road SE from east city limits to 10th Street SE.
 Rogers Road NW (O Avenue Extension) from Edgewood Road NW to west city limits.
 Rockwell Drive NE from Blairs Ferry Road NE to Collins Road NE.
 Seminole Valley Road NE from 42nd Street NE to Seminole Valley Park entrance.
 Shaver Road NE from "H" Avenue NE to "J" Avenue NE.
 Sierra Drive NE (southbound collector road) from "J" Avenue NE to "H" Avenue NE.
 Stoney Point Road from "E" Avenue NW to 16th Avenue SW.
 Ushers Ferry Road NE from 42nd Street to Blairs Ferry Road NE.
 Van Vechten Park Road SE from Van Vechten Park entrance to McCarthy Road SE.
 Wenig Road NE from "J" Avenue NE to Glass Road NE.
 West Post Road SW from 16th Avenue to U.S. Highway 30.
 Wiley Boulevard SW from 33rd Avenue SW to Johnson Avenue NW.
 Williams Boulevard SW from 1st Avenue west to a point 100 feet northeast of Trent Street SW.
 Wilson Avenue SW from Wiley Boulevard SW to Stoney Point Road SW.
 Wright Brothers Blvd. frontage road from end to end between 18th Street SW and Atlantic Drive SW.
 Wright Brothers Boulevard SW from a point 400 feet west of Atlantic Drive to Earhart Lane.

9. 40 miles per hour on the following streets:

6th Street SW from 31st Avenue SW to a point 1,200 feet south of 66th Avenue SW.
 76th Avenue SW from 6th Street SW to Kirkwood Boulevard SW.
 Eastbound and westbound collector road paralleling Iowa 100 (Collins Road NE) from Center Point Road NE to I-380.
 "C" Avenue NE from East Robins Road NE to the north city limits.
 "F" Avenue NW from Wiley Blvd. NW to a point 100 feet west of 16th Street NW.
 Blairs Ferry Road NE from Crane Lane to Chicago, Central & Pacific Railroad.
 Bowling Street SW from Kirkwood Boulevard SW to 33rd Avenue SW.
 Edgewood Road NE from Blairs Ferry Road to a point 500 feet south of Glass Road.
 Ellis Road NW from a point 1/2 mile west of Edgewood Road to the west city limits.
 Kirkwood Boulevard SW from Bowling Street SW to a point 640 feet north of Woodstone Lane SW.
 Old River Road SW from Ely Road SW to the east city limits.
 Williams Boulevard SW from a point 100 feet northeast of Trent Street SW to a point 200 feet southwest of Wiley Boulevard SW.

10. 45 miles per hour on the following streets:

Northbound and southbound collector roads paralleling I-380 from 42nd Street NE to Blairs Ferry Road NE.

6th Street SW from a point 1,320 feet south of 76th Avenue SW to a point 1,200 feet south of 66th Avenue SW.

16th Avenue SW from the west city limits to a point 500 feet west of Edgewood Road SW.

18th Street SW from the south city limits to 76th Avenue SW.

26th Street SW from Prairie Creek to south city limits.

33rd Avenue SW from Wiley Boulevard SW to west city limits.

60th Avenue SW from Willow Creek Drive SW to west city limits.

76th Avenue SW from 6th Street SW to west city limits.

76th Avenue SW from Kirkwood Boulevard SW to east city limits.

"C" Street SW from south city limits to a point 2,500 feet north of U.S. Highway 30.

"F" Avenue NW from Wiley Blvd. NW to the west city limits.

Bertram Road SE from Otis Road to the east city limits.

Beverly Road SW from Edgewood Road to the west city limits.

Beverly Road SW from Williams Boulevard/U.S. Highway 151 to west city limits.

Blairs Ferry Road NE from Hiawatha's west city limits to Cedar Rapids west city limits.

Collins Road/Iowa 100 from the east city limits to a point 850 feet southeasterly of 1st Avenue East.

Collins Road NE/Iowa 100 from a point 300 feet west of "C" Avenue NE to a point 400 feet east of Center Point Road NE.

East Robins Road NE from "C" Avenue NE to the east city limits.

Edgewood Road SW from south city limits to Prairie Creek.

Edgewood Road from Edgewood Lane NW to a point 500 feet south of Glass Road NE.

Ellis Road NW from Covington Road to the west city limits.

Ely Road SW (South of U.S. Highway 30) from south city limits to "C" Street SW.

Milburn Road NE from a point 300 feet north of West Mustang Road to the north city limits.

Miller Road NE from Tower Terrace Road to a point 3,700 feet south of Tower Terrace Road.

Kirkwood Boulevard SW from a point 640 feet north of Woodstone Lane SW to the south city limits.

Pro Farmer Road SW running along the center of Section 12T82N R8W from the south city limits to the north city limits.

Stoney Point Road NW from north city limits to "E" Avenue NW.

Stoney Point Road SW from 16th Avenue to the south city limits.

Tower Terrace Road NE from the west city limits to Hiawatha's west city limits.

Wright Brothers Boulevard SW from Edgewood Road to a point 400 feet west of Atlantic Drive.

Wright Brothers Boulevard SW from Earhart Lane SW to Kirkwood Boulevard SW.

11. 50 miles per hour on the following streets:

NONE.

12. 55 miles per hour on the following streets:

6th Street SW from south city limits to a point 1,320 feet south of 76th Avenue SW.

Collins Road/Iowa 100 from a point 400 feet east of Center Point Road NE to Edgewood Road NE.

Covington Road NW from the east city limits to the west city limits.

Interstate 380 (I-380) from a point 900 feet north of 15th Avenue SW to a point 800 feet north of "J" Avenue NE.

Williams Boulevard SW from a point 200 feet southwest of Wiley Boulevard SW to the west city limits.

Wright Brothers Boulevard SW from Edgewood Road SW to the west city limits.

13. 60 miles per hour on the following streets:

Interstate 380 (I-380) from a point 800 feet north of "J" Avenue to the north city limits.

Interstate 380 (I-380) from a point 900 feet north of 15th Avenue SW to a point 3,200 feet south of the mainline of the Lincoln Freeway (U.S. Highway 30 & 218).

14. 65 miles per hour on the following streets:

Interstate 380 (I-380) from a point 3,200 feet south of the Lincoln Freeway (U.S. Highway 30 & 218) to the south city limits.

Lincoln Freeway (U.S. Hwy. 30 & 218) from the east city limits to the west city limits.

15. 40 miles per hour minimum speed, road conditions permitting, when official signs are erected giving notice of the authorized speed on the following:

Interstate 380 (I-380) from the south city limits to the north city limits.

- (c) These speed limits shall be effective when proper and appropriate signs giving notice thereof are erected at such intersections or other place or part of the street, excepting no signs are required on those speed limits established in subsection (b)(1) and subsection (b)(3) of this section.

61.029A SPEED LIMITS ON AIRPORT ROADS AND STREETS.

- (a) The following shall be the lawful speed limits on the designated streets located on The Eastern Iowa Airport property (the "Airport") and any speed in excess thereof shall be unlawful, as follows:

1. Twenty-five miles per hour on the Airport's primary ingress road, Arthur Collins Parkway SW, commencing at Wright Brothers Boulevard SW southerly to Lippisch Place SW.
2. Fifteen miles per hour on Arthur Collins Parkway SW. commencing at Lippisch Place southerly to a point thence connecting to 18th St. SW.
3. Fifteen miles per hour on Chanute Place SW. commencing west of 18th St. SW.

- (b) Unless otherwise stated in this Section, twenty-five miles per hour shall be the lawful speed limit on the following streets, and any speed in excess thereof shall be unlawful:

Arthur Collins Parkway SW
Beech Way SW
Cessna Place SW
Curtiss Court SW
Crossfield Lane SW
Lindbergh Way SW
Lippisch Place SW
Shepard Court SW

- (c) Such speed limits shall be effective when signs giving notice thereof are erected as provided by law.

61.029B DRIVING ON SCHOOL PROPERTY.

- (a) No person shall operate a motor vehicle on property owned or leased by the Cedar Rapids Community School District, in the County of Linn, State of Iowa, and located within the City of Cedar Rapids, that is not an established roadway or parking lot. It shall be unlawful for any person to operate a motor vehicle on such property in excess of 10 miles per hour.
- (b) The first sentence of the foregoing paragraph shall not apply to employees of said school district who are acting within the scope of their employment.

61.030 MINIMUM SPEED REGULATION.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. Police officers are hereby authorized to enforce this provision by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith the continued slow operation by a driver shall be subject to the penalty provided for violation of this Chapter.

61.031 (Repealed by Ordinance No. 51-78)

61.032 SPEED SIGNS; DUTY TO INSTALL.

The City Traffic Engineer under the direction of the Council shall erect suitable signs on all the main streets of the City showing the points at which the rate of speed changes and the maximum rate of speed in the district in which the vehicle is entering.

61.033 INFORMATION OR NOTICE.

In every charge of violation of the speed restrictions under the provisions of this Chapter, the information and the notice to appear shall specify the speed at which the defendant is alleged to have driven, as well as the speed limit applicable within the district or at the location.

61.034 CONTROL OF VEHICLE; REDUCTION OF SPEED.

- (a) A person operating a motor vehicle shall have the same under control at all times.
- (b) A person operating a motor vehicle shall reduce the speed to a reasonable and proper rate:
 - 1. When approaching and passing a person walking in the traveled portion of the street.
 - 2. When approaching and passing an animal which is being led, ridden, or driven upon a street.

3. When approaching and traversing a crossing or intersection of public streets, or a bridge, or a sharp turn, or a curve, or a steep descent, in a street.
4. When approaching and passing an emergency warning device displayed in accordance with Section 321.449 of the Code of Iowa, or an emergency vehicle displaying a revolving or flashing light.
5. When approaching and passing a slow moving vehicle displaying a reflective device as provided by Section 321.383 of the Code of Iowa.
6. When approaching and passing another vehicle lawfully stopped on a public street.

61.035 DRIVING ON RIGHT-HAND SIDE OF ROADWAY – EXCEPTIONS.

- (a) A vehicle shall be driven upon the right half of the roadway upon all roadways of sufficient width, except as follows:
 1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement.
 2. When an obstruction exists making it necessary to drive to the left of the center of the roadway, provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard.
 3. Upon a roadway divided into 3 marked lanes for traffic under the rules applicable thereon.
 4. Upon a roadway restricted to one-way traffic.
- (b) Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic upon all roadways, or as close as practicable to the right-hand curb or edge of roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, an alley, private road, or driveway.
- (c) A vehicle shall not be driven upon any roadway having 4 or more lanes for moving traffic and providing for 2-way movement of traffic, to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left-side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a) paragraph 2. This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.
- (d) **Overtaking a Vehicle.** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction subject to those limitations, exceptions, and special rules hereinafter stated:
 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of their vehicle until completely passed by the overtaking vehicle.
- (e) **Limitations on Overtaking on the Left.** No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.
- (f) **Prohibited Passing.** No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:
1. When approaching the crest of a grade or upon a curve in the street where the driver's view along the street is obstructed for a distance of approximately 700 feet.
 2. When approaching within 100 feet of any narrow bridge, viaduct, or tunnel, when so signposted, or when approaching within 100 feet of or traversing any intersection or railroad grade crossing.
 3. Where official signs are in place directing that traffic keep to the right or a distinctive center line or off-center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the State Department of Transportation.
- (g) **Roadways Laned for Traffic.** Whenever any roadway has been divided into 3 or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:
1. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
 2. Upon a roadway which is divided into 3 lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
 3. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.
 4. Vehicles moving in a lane designated for slow-moving traffic shall yield the right-of-way to vehicles moving in the same direction in a lane not so designated when such lanes merge to form a single lane.
 5. A portion of a street provided with a lane for slow-moving vehicles does not become a roadway marked for 3 lanes of traffic.

61.036 OVERTAKING ON THE RIGHT.

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.
- (b) The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for 4 or more lines of moving traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

61.037 FOLLOWING ANOTHER VEHICLE.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the street.

61.038 SCHOOL BUSES; DISCHARGING PUPILS; REGULATIONS.

- (a) The driver of any school bus used to transport children to and from a public or private school, when stopping to receive or discharge pupils, shall turn on flashing warning lamps at a distance of not less than 300 feet nor more than 500 feet from the point where said pupils are to be received or discharged from the bus if the speed limit at that point is 45 miles per hour or greater and shall turn on flashing warning lamps at a distance of not less than 150 feet from the point where the pupils are to be received or discharged from the bus if the speed limit at that point is less than 45 miles per hour. At the point of receiving or discharging pupils, the driver of the bus shall bring the bus to a stop, turn off the amber flashing warning lamps, turn on the red flashing lamps, and extend the stop arm. After receiving or discharging pupils, the bus driver shall turn off all flashing warning lamps, retract the stop arm, and then proceed on the route. Except to the extent that reduced visibility is caused by fog, snow, or other weather conditions, a school bus shall not stop to receive or discharge pupils unless there is at least 300 feet of unobstructed vision in each direction. However, the driver of a school bus is not required to use flashing warning lamps and the stop arm when receiving or discharging pupils at a designated loading and unloading zone at a school attendance center or at extracurricular or educational activity locations where students exiting the bus do not have to cross a street or highway. A school bus shall, while carrying passengers, have its headlights turned on.
- (b) All pupils shall be received and discharged from the right front entrance of every school bus, and if said pupils must cross the street, they shall be required to pass in front of the bus, look in both directions, and proceed to cross the street only on signal from the bus driver.
- (c) The driver of any vehicle, including the driver of a vehicle operating on a private road or driveway, when meeting a school bus with flashing amber warning lamps shall reduce the speed of said vehicle to not more than 20 miles per hour and shall bring said vehicle to a complete stop when the school bus stops and the stop signal arm is extended, and said vehicle shall remain stopped until the stop signal arm is retracted after which time the driver may proceed with due caution.
- (d) The driver of any vehicle, including the driver of a vehicle operating on a private road or driveway, overtaking a school bus shall not pass a school bus when red or amber warning signal lights are flashing and shall bring said vehicle to a complete stop no closer than 15

feet from the school bus when it is stopped and the stop arm is extended, and the vehicle shall remain stopped until the stop arm is retracted and the school bus resumes motion.

- (e) The driver of a vehicle upon a highway providing 2 or more lanes in each direction need not stop upon meeting a school bus which is traveling in the opposite direction even though said school bus is stopped.
- (f) A school bus, when operating on a highway with 4 or more lanes, shall not stop to load or unload pupils who must cross the highway, except at designated stops where pupils who must cross the highway may do so at points where there are official traffic control devices or a police officer.

61.039 TURNING AT INTERSECTIONS.

- (a) The driver of a vehicle intending to turn at an intersection shall do so as follows:
 - 1. Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.
 - 2. Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway from the lane nearest the left roadway edge, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered.
 - 3. Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left on any such intersection shall approach the intersection in the lane nearest the left roadway edge lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.
- (b) The City Traffic Engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- (c) When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

61.040 WHEN SIGNAL REQUIRED.

No person shall turn a vehicle from a direct course upon a street unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

61.041 SIGNALS AND METHOD OF GIVING.

- (a) The signals required to be given by a driver of a vehicle may be given by means of the hand and arm or other proper signal or signal device or light of a type approved by the Motor Vehicle Department of the State of Iowa. All signals required which may be given by hand and arm shall when so given be given from the left side of the vehicle and the following manner and interpretation thereof is suggested:
1. **Left turn** – Hand and arm extended horizontally.
 2. **Right turn** – Hand and arm extended upward.
 3. **Stop or decrease of speed** – Hand and arm extended downward.
- (b) Bicyclists and micromobility device users shall signal their intention to turn or stop in the following manner:
1. **Left turn** – Left hand and arm extended horizontally to the left.
 2. **Right turn** – Left hand and arm extended upward or right hand and arm extended horizontally to the right.
 3. **Stop or decrease of speed** – Left hand and arm extended downward.

61.042 TURNING AROUND; U-TURN.

The driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction, unless such movement can be made safely and without otherwise interfering with other traffic. No driver of a vehicle shall make a complete or U-turn at any intersection where the traffic is regulated by traffic light signals, except at intersections where such turns are authorized by resolution of the City Council and where appropriate signs are installed permitting such turns.

61.043 TURNING ON RAILROAD TRACKS.

A driver shall not turn any vehicle around on any street or street intersection at the place where such street or street intersection is occupied by railroad tracks.

61.044 SIGNAL CONTINUOUS.

A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning when the speed limit is 45 miles per hour or less and, a continuous signal during not less than the last 300 feet when the speed limit is in excess of 45 miles per hour.

61.045 STOPPING.

No driver shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear where there is opportunity to give such signal.

61.046 ATTEMPTING TO ELUDE POLICE.

The operator of a vehicle shall not willfully increase their speed or extinguish their lights in an attempt to elude a peace officer, or attempt in any other manner to elude a peace officer, or to elude a peace officer, when such peace officer with reasonable grounds to believe the operator has violated a state law or municipal ordinance and has given the operator a visual or audible signal such as a red light or siren from a marked vehicle showing the same to be an official peace officer, sheriff, or highway patrol car directing the said operator to bring their vehicle to a stop.

61.047 APPROACHING OR ENTERING INTERSECTION.

Where 2 vehicles are approaching on any street so that their paths will intersect and there is danger of collision, the driver of the vehicle approaching the other from the right shall have the right-of-way, and the driver of the vehicle approaching the other from the left shall yield the right-of-way, slowing down or stopping if need be to so yield, except as otherwise provided by the laws of Iowa and by this Chapter.

61.048 LEFT TURNS – YIELDING.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to all vehicles approaching from the opposite direction which are within the intersection or so close to the intersection, alley, private road or driveway as to constitute an immediate hazard, then said driver, having so yielded and having given a signal when and as required by this Chapter, may make such left turn.

61.049 ENTERING THROUGH STREET.

The driver of a vehicle shall stop or yield as required by this Chapter at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection from said through street or which are approaching so closely on said through street as to constitute a hazard, but said driver having so yielded may proceed cautiously and with due care enter said through street.

61.050 ENTERING STOP OR YIELD INTERSECTION.

- (a) The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right-of-way to any vehicle on the

intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

- (b) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any pedestrian legally crossing the roadway on which they are driving and/or to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

61.051 OPERATION ON APPROACH OF EMERGENCY VEHICLES.

- (a) Upon the immediate approach of an authorized emergency vehicle with any lamp or device displaying a red light or flashing red light from directly in front thereof, or when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver or every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the street clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street.

61.052 FUNERAL PROCESSIONS.

- (a) A driver of a vehicle shall not drive between vehicles comprising a funeral procession or other authorized procession while they are in motion, provided the head lights of vehicles in the procession are lighted, or the vehicles are otherwise conspicuously designated.
- (b) Any funeral or other procession having started across an intersection provided with traffic signs or signals may continue without stopping until the whole procession has passed said intersection, unless otherwise directed by a police officer.

61.053 PEDESTRIANS SUBJECT TO SIGNALS.

Pedestrians shall be subjected to traffic control signals at intersections as hereinabove set forth in this Chapter, but at all other places pedestrians shall be accorded their privileges and shall be subject to the restrictions hereinafter set forth.

61.054 PEDESTRIANS, BICYCLISTS, AND MICROMOBILITY DEVICE USERS RIGHT-OF-WAY.

- (a) Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian, bicyclist,

or micromobility device user crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this Chapter.

- (b) No pedestrian, bicyclist, or micromobility device user shall suddenly leave a curb or other place of safety and walk or run into, or otherwise enter, the path of a vehicle that is so close as to constitute an immediate hazard.

61.055 CROSSING AT OTHER THAN CROSSWALK.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. Where traffic control signals are in operation at any place not an intersection, pedestrians shall not cross at any place except in marked crosswalk.

61.056 DUTY OF DRIVER.

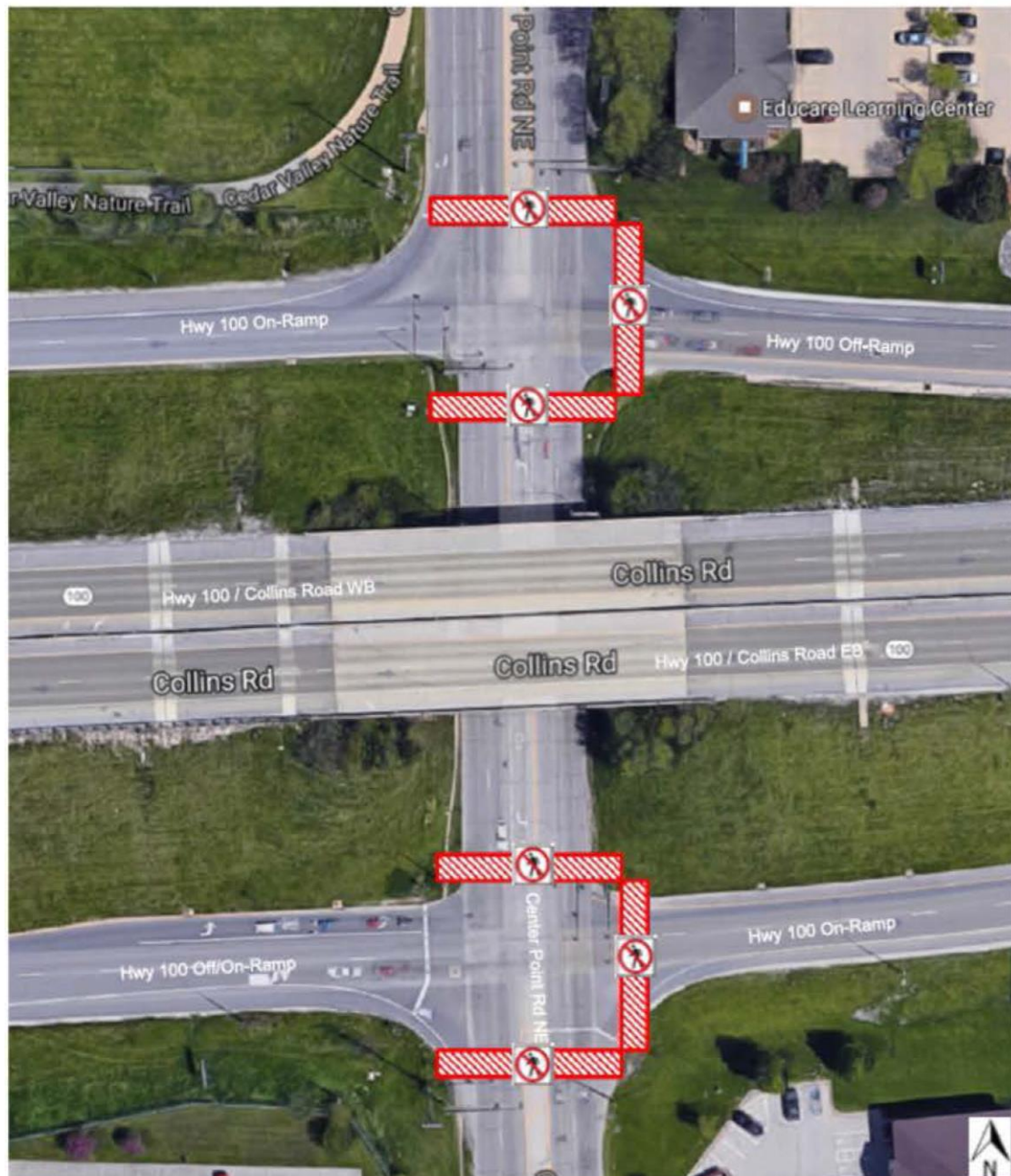
Notwithstanding the provisions of Section 61.055, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, bicyclist, and micromobility device user upon any roadway and shall give warning by sounding the horn when necessary and shall exercise due care upon observing any child or any confused or incapacitated person upon a roadway.

61.057 PEDESTRIAN SAFETY.

- a. Pedestrians shall not intentionally impede or obstruct vehicular or pedestrian travel or traffic without lawful authority.
- b. Pedestrians shall not sit, walk, stand, or enter upon the portion of the roadway traveled by motor vehicles on the City streets and the entrance or exit ramps to Interstate 380 at the locations shown herein below. The City Manager or designee shall give notice of this prohibition on such entrance and exit ramps by erecting signs or similar markings in accordance with the Manual on Uniform Traffic Control Devices approved by the Iowa Department of Transportation. The locations are as described and depicted as follows:

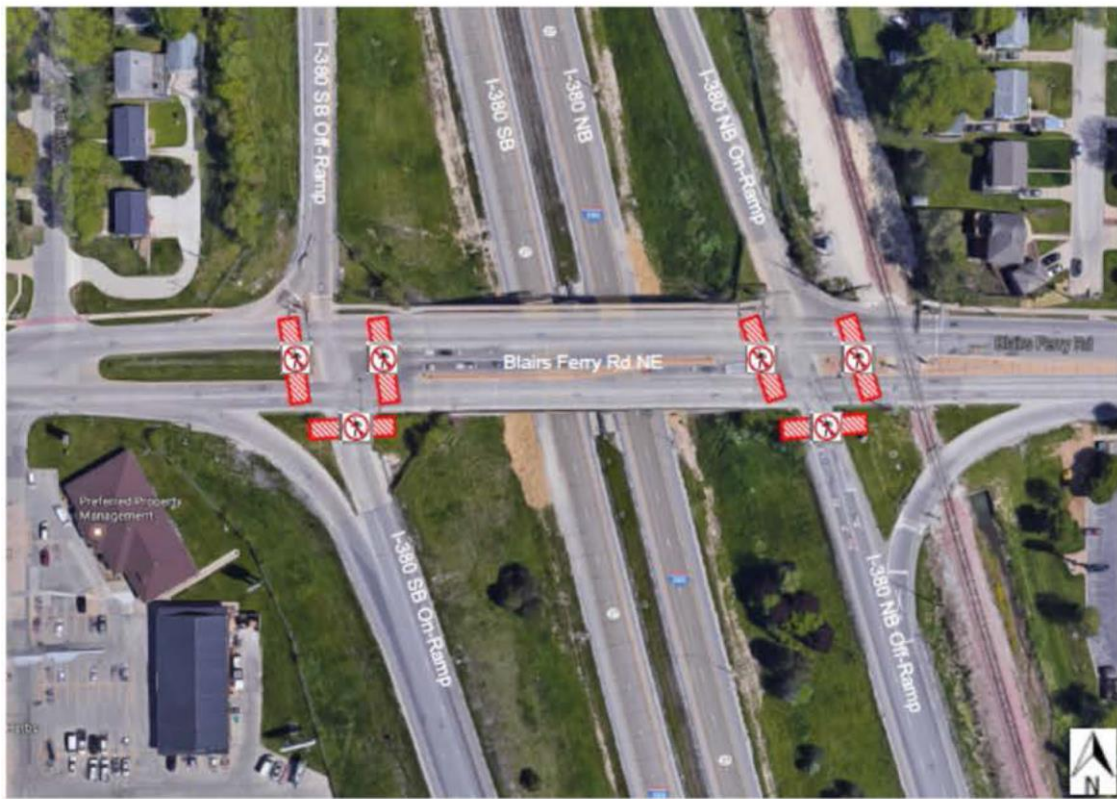
1. Collins Road NE at Center Point Road NE.

Collins Road NE at Center Point Road NE



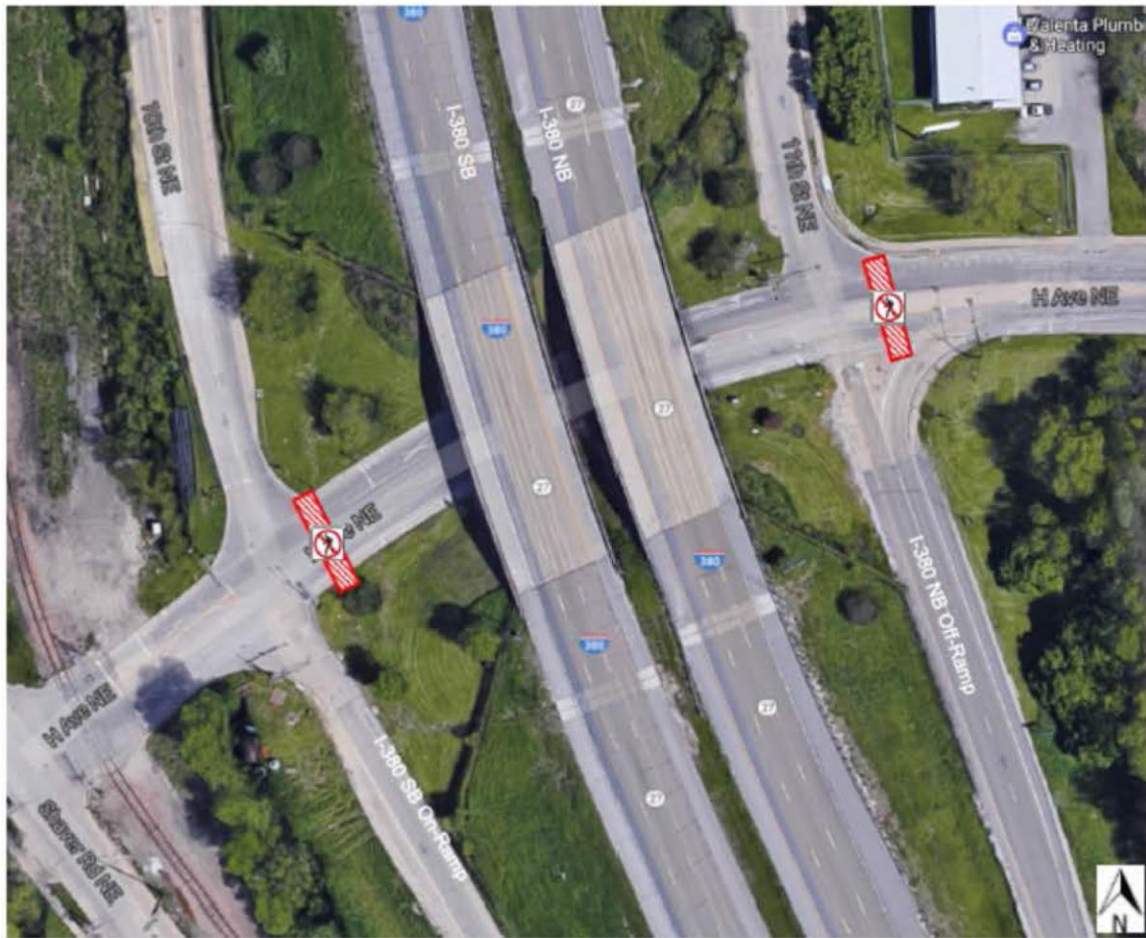
2. Blairs Ferry Road NE at I-380.

Blairs Ferry Road NE at I-380



3. H Avenue NE at I-380.

H Avenue NE at I-380



4. Wilson Avenue SW at I-380.

Wilson Avenue SW at I-380



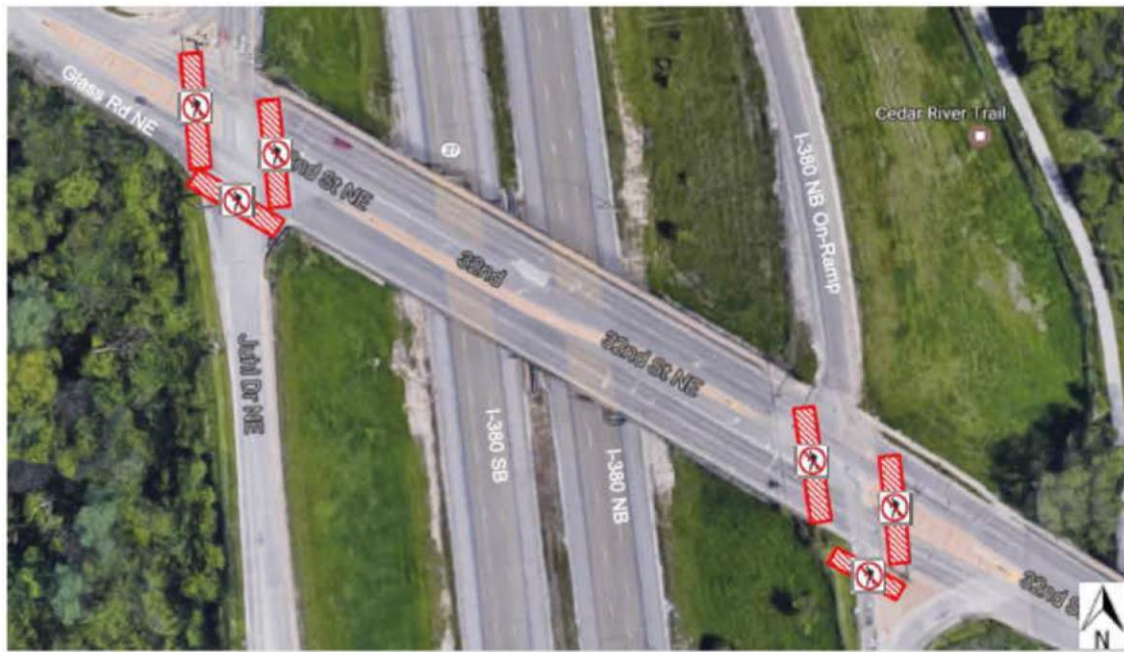
5. 29th Street NE at I-380.

29th Street NE at I-380



6. 32nd Street NE at I-380.

32nd Street NE at I-380



7. 33rd Street SW at I-380.

33rd Avenue SW at I-380



- c. Pedestrians shall not occupy the medians on City streets at signalized intersections, except that a pedestrian may, for not more than one traffic signal cycle length, occupy such a median as a temporary refuge when crossing such City street.
- d. Pedestrians shall not walk, stand, or enter upon the portion of a roadway used for vehicular travel for the purpose of entering a private vehicle or exchanging anything with an occupant of a vehicle which requires the acceptance or rejection of the items being exchanged.
- e. Pedestrians shall at all times when walking on or along a roadway, walk on the left side of such roadway. Where sidewalks are provided, a pedestrian shall not walk along, stand, or enter upon an adjacent roadway.

61.058 (Repealed by Ordinance No. 042-17)

61.059 BLIND PEDESTRIANS.

- (a) It shall be unlawful for any person except persons wholly or partially blind to carry or use on the streets or public places of the City any white cane or walking stick which is white in color or white tipped with red.

- (b) Any driver of a vehicle or operator of a motor driven vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color or white tipped with red or being led by a guide dog wearing a harness and walking on either side or slightly in front of said blind person, shall immediately come to a complete stop and take such precautions as may be necessary to avoid accident or injury to the person carrying a cane or walking stick white in color or white tipped with red or being led by a guide dog.

61.060 ENTERING THROUGH STREETS OR HIGHWAYS.

The driver of a vehicle shall stop or yield as required by this Chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute a hazard, but the driver having so yielded may proceed cautiously and with due care enter the through highway.

61.061 THROUGH STREETS.

In addition to the primary road extensions within the City which are designated as through highways by the Iowa Department of Transportation, the following streets are designated as through streets:

1st Avenue West from Williams Blvd. to west city limits.
1st Street East from "B" Avenue NE to 8th Avenue SE.
1st Street West from Penn Avenue NW to 16th Avenue SW.
2nd Avenue from 19th Street SE to 3rd Avenue SW.
2nd Avenue SE from 23rd Street Drive to 27th Street Drive.
2nd Street East from "B" Avenue NE to 14th Avenue SE.
2nd Street SW from 1st Avenue to Wilson Avenue.
3rd Avenue from 1st Avenue West to 19th Street SE.
3rd Street East from "B" Avenue NE to 14th Avenue SE.
3rd Street West from "I" Avenue NW to 27th Avenue SW.
4th Avenue SE from 1st Street to 19th Street.
4th Street SE from 12th Avenue to 14th Avenue.
5th Avenue SE from 1st Street to Forest Drive.
5th Avenue SW from I-380 to 10th Street.
5th Street East from "A" Avenue NE to 8th Avenue SE.
5th Street West from 3rd Avenue SW to "F" Avenue NW.
6th Street SE from 8th Avenue to 12th Avenue.
6th Street West from "A" Avenue NW to South City Limits.
7th Street East from "A" Avenue NE to Otis Road SE.
8th Avenue from Mt. Vernon Road SE to Williams Blvd. SW.
8th Street East from "A" Avenue NE to 12th Avenue SE.
9th Street SW from Wilson Avenue to 5th Avenue.
10th Street East from "A" Avenue NE to 8th Avenue SE.
10th Street NW from 1st Avenue to "I" Avenue.
11th Street NW from "I" Avenue to "O" Avenue.
12th Avenue from "C" Street SW to Van Vechten Park Road SE.
12th Avenue SW from Williams Blvd. to Wiley Blvd.
12th Street SE from 1st Avenue to 3rd Avenue.
12th Street SW from 15th Avenue to 33rd Avenue.
13th Street SE from 3rd Avenue to 1st Avenue.

13th Street NW from "A" Avenue to "K" Avenue.
 14th Avenue SE from 1st Street to 4th Street.
 14th Avenue SW from 15th Street to Rockford Road.
 15th Avenue SW from "C" Street to 16th Avenue.
 15th-16th Avenue Connection from 16th Avenue SW to "C" Street SW.
 15th Street East from "E" Avenue NE to 12th Avenue SE.
 15th Street West from "B" Avenue NW to 14th Avenue SW.
 16th Avenue from 1st Street SE to West City Limits.
 16th Street NE from 1st Avenue to "H" Avenue.
 17th Street NE from 1st Avenue to "J" Avenue.
 18th Street West from "E" Avenue NW to South City Limits.
 19th Street East from "E" Avenue NE to 12th Avenue SE.
 20th Avenue SW from Edgewood Road to West Post Road.
 20th Street NE from 1st Avenue to "K" Avenue.
 20th Street NW from "O" Avenue to Zika Avenue.
 21st Street NE from 1st Avenue to "E" Avenue.
 21st Street SW from 33rd Avenue to 26th Street.
 24th Street NE from 1st Avenue to "E" Avenue.
 26th Street NW from Ellis Blvd. to Zika Avenue.
 26th Street SW from 21st Street to South City Limits.
 27th Avenue SW from 12th Street to "J" Street.
 27th Street NE from Elmhurst Drive to 1st Avenue.
 27th Street Drive SE from 1st Avenue to Country Club Parkway.
 27th Street SW from Wilson Avenue to 29th Avenue.
 29th Avenue SW from Wiley Blvd. to 18th Street.
 29th Street NE from 1st Avenue to Coldstream Avenue.
 29th Street Drive SE from 1st Avenue to 30th Street Drive.
 30th Street SE from Bever Avenue to Pioneer Avenue.
 30th Street Drive SE from 29th Street Drive to East City Limits.
 32nd Street NE from 1st Avenue to Glass Road.
 33rd Avenue SW from Wiley Blvd. to Bowling Street.
 34th Street SE from Pioneer Avenue to Cottage Grove Avenue.
 35th Street NE from 1st Avenue to Oakland Road.
 37th Avenue SW from Edgewood Road to 21st Street.
 40th Street NE from 1st Avenue to "E" Avenue.
 41st Avenue Drive SW from "C" Street to Bowling Street.
 42nd Street NE from "C" Avenue to "F" Avenue.
 42nd Street NE from Old Marion Road to West City Limits.
 42nd Street SE from Pioneer Avenue to Mt. Vernon Road.
 50th Avenue SW from "J" Street to Bowling Street.
 51st Street NE from Center Point Road to Council Street.
 60th Avenue SW from 6th Street to Edgewood Road.
 66th Avenue SW from Kirkwood Blvd. to Locust Road.
 74th Street NE from "C" Avenue to Council Street.
 76th Avenue SW from East City Limits to West City Limits.
 "A" Avenue NE from 1st Street to 12th Street.
 "A" Avenue NW from 6th Street to "B" Avenue.
 "A" Avenue NW from 15th Street to Johnson Avenue.
 "A" Street SW from 16th Avenue to Burlington Street.
 "B" Avenue NE from 1st Street to 3rd Street.
 "B" Avenue NE from Center Point Road to 20th Street.
 "B" Avenue NW from "A" Avenue to Johnson Avenue.
 Bever Avenue SE from 3rd Avenue to East Post Road.
 Beverly Road SW from Edgewood Road to West City Limits.
 Blake Blvd. SE from 3rd Avenue to Grande Avenue.

Blairs Ferry Road NE from East City Limits to West City Limits.
 Blue Jay Drive NE from Glass Road to 42nd Street.
 Bowling Street SW from "C" Street to Kirkwood Blvd.
 Boyson Road NE from East City Limits to West City Limits.
 "C" Avenue NE from 29th Street to North City Limits.
 "C" Street SW from 1st Street SW to South City Limits.
 Center Point Road NE from Coe Road to North City Limits.
 Circle Drive NE from Glass Road to Coldstream Avenue.
 Coe Road NE from Center Point Road to 1st Avenue.
 Coldstream Avenue NE from 29th Street to Wenig Road.
 College Drive NE from 1st Avenue to "E" Avenue.
 Cottage Grove Avenue SE from 1st Avenue to East City Limits.
 Council Street NE from Hollywood Blvd. to North City Limits.
 Country Club Parkway SE from 27th Street Drive to Cottage Grove Avenue.
 Diagonal Drive SW from I-380 to 8th Avenue.
 "E" Avenue NE from Oakland Road to 24th Street.
 "E" Avenue NE from 32nd Street to 42nd Street.
 "E" Avenue NW from 1st Street to West City Limits.
 East Main Street/East Robins Road NE from East City Limits to West City Limits.
 East Post Road SE from Mt. Vernon Road to North City Limits.
 Eastern Avenue NE from Prairie Drive to 35th Street.
 Edgewood Road from North City Limits to South City Limits.
 Ellis Blvd./Ellis Road NW from "E" Avenue to West City Limits.
 Elmhurst Drive NE from "J" Avenue to Oakland Road.
 Ely Road/Union Drive/East Road SW from "C" Street to U.S. Highway 30.
 Ely Road SW from "C" Street to South City Limits.
 "F" Avenue NE from 24th Street to 27th Street.
 "F" Avenue NE from 42nd Street to Collins Road.
 "F" Avenue NW from 1st Street to West City Limits.
 Forest Drive SE from Mt. Vernon Road to 23rd Street Drive.
 Franklin Avenue NE from 29th Street to Prairie Drive.
 Glass Road NE from 32nd Street to Edgewood Road.
 Grande Avenue SE from 3rd Avenue to Bever Park.
 "H" Avenue NE from Shaver Road to 16th Street.
 Hawkeye Downs Road SW from 6th Street to "J" Street.
 Hollywood Blvd. NE from Oakland Road to Council Street.
 "I" Avenue NW from 1st Street to 13th Street.
 Indiandale Road SE from Bever Avenue to Trailridge Road.
 "J" Avenue NE from Oakland Road to Wenig Road.
 "J" Street SW from 2nd Street to 66th Avenue.
 Jacolyn Drive from "E" Avenue NW to 20th Avenue SW.
 Johnson Avenue NW from "A" Avenue to West City Limits.
 Kirkwood Blvd. SW from Bowling Street to South City Limits.
 "L" Avenue NW from 1st Street to 11th Street.
 "L" Street SW from 1st Avenue to 27th Avenue.
 Lindale Drive NE from Collins Road to North City Limits.
 Linden Drive SE from 19th Street to Forest Drive.
 Locust Road SW from 60th Avenue to 66th Avenue.
 Maplewood Drive NE from Elmhurst Drive to "H" Avenue.
 McCarthy Road/Van Vechten Park Road SE from Memorial Drive to 12th Avenue.
 Meadowbrook Drive SE from Bever Avenue to 30th Street.
 Memorial Drive SE from Otis Road to Bever Avenue.
 Midway Drive NW from Johnson Avenue to West Post Road.
 Milburn Road NE from Blairs Ferry Road to North City Limits.
 Miller Avenue SW from "J" Street to Kirkwood Blvd.

Miller Road NE from Blairs Ferry Road to North City Limits.
 Mt. Vernon Road SE from 10th Street to East City Limits.
 Northbrook Drive NE from Council Street to West City Limits.
 Northland Avenue NE from Collins Road to North City Limits.
 Northwood Drive NE from 42nd Street to Glass Road.
 "O" Avenue NW from 1st Street to Rogers Road.
 Oakland Road NE from "E" Avenue to Old Marion Road.
 Oklahoma Avenue SW from Kirkwood Blvd. to "J" Street.
 Old Marion Road NE from Oakland Road to "C" Avenue.
 Old River Road SW from Ely Road to East City Limits.
 Otis Road SE from 12th Avenue to East City Limits.
 Park Place NE from Council Street to Rockwell Drive.
 Penn Avenue NW from 1st Street to Ellis Blvd.
 Pioneer Avenue/Pioneer Trail SE from 30th Street to 44th Street.
 Prairie Drive NE from 35th Street to "K" Avenue.
 Rockford Road SW from 3rd Avenue to Wilson Avenue.
 Rockwell Drive NE from Collins Road to Blairs Ferry Road.
 Rogers Road NW from "O" Avenue to West City Limits.
 Seminole Valley Road NE from 42nd Street to Seminole Valley Park entrance.
 Shaver Road NE from "H" Avenue to "J" Avenue.
 Sierra Drive NE from Coldstream Avenue to "J" Avenue.
 Stoney Point Road from North City Limits to South City Limits.
 Tower Terrace Road NE from East City Limits to West City Limits.
 Trailridge Road SE from Indiandale Road to East Post Road.
 Ushers Ferry Road NE from 42nd Street to Blairs Ferry Road.
 Waconia Avenue SW from 6th Street to Willow Creek Drive.
 Wenig Road NE from "J" Avenue to Towne House Drive.
 West Post Road from North City Limits to South City Limits.
 Wiley Blvd. from 33rd Avenue SW to Rogers Road NW.
 Willow Creek Drive SW from Waconia Avenue to 60th Avenue.
 Wilson Avenue SW from Bowling Street to West City Limits.
 Wilson Avenue Drive SW from "C" Street to Bowling Street.
 Wright Brothers Blvd. SW from East City Limits to West City Limits.
 Zika Avenue NW from 20th Street to 26th Street.

61.062 STOP INTERSECTIONS.

Such intersections in the City as are designated by the Council by resolution are declared to be stop intersections.

61.063 YIELD INTERSECTIONS.

Such intersections in the City as are designated by the Council by resolution are declared to be yield intersections.

61.064 STOP AND YIELD SIGNS.

The City Traffic Engineer shall place and maintain at all stop and yield intersections designated by the Council, stop or yield signs, in accordance with specifications established by

the Iowa Department of Transportation, with the word "Stop" or "Yield" in letters not less than 6 inches in height appearing thereon, as near as practical at the property line of the street, at the entrance to which the stop or yield must be made, or at the nearest line of the crosswalk thereat, or if none, at the nearest line from the roadway.

61.065 CONTROLLED ACCESS FACILITIES.

(a) This section shall be deemed an exercise of the police power of the city under Chapter 306A of the Code of Iowa for the preservation of the public peace, health, and safety and the promotion of the general welfare:

(b) **Use of Controlled-Access Facilities.** No person shall:

1. Drive a vehicle over, upon, or across any curb, control dividing section, or other separation or dividing line on any controlled-access facilities.
2. Make a left turn or a semi-circular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line.
3. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line.
4. Drive any vehicle into the controlled-access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled-access facility property.

(c) U.S. Highway 151.

1. Establishment. There are fixed and established controlled-access facilities on the Primary Road System extension improvement, Project No. UN-22 Primary No. U.S. No. 151 within the City of Cedar Rapids described as follows:

On present route of U.S. 151 (First Avenue East) from north side of 20th Street, Sta. 1065+64 northeasterly to 30th Street SE Sta. 1115+30.7 which equals Sta. 14+55.6 thence continuing northeasterly to the east corporation line Sta. 105+97±. Also, from west corporation line Sta. 107+77± northeasterly to the north corporation line Sta. 112+50, regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. UN-22 on file in the office of the City Clerk.

2. Parking. Parking of any nature is prohibited:

On both sides from Sta. 1065+64.0 to Sta. 1111+81.
On left side from Sta. 1111+81 to Sta. 1114+23.2.
On left side from Sta. 15+25.6 to Sta. 26+50.
On right side from Sta. 1113+04 to Sta. 1115+30.7 = Sta. 14+55.6.
On right side Sta. 14+55.6 to Sta. 19+85.
On right side Sta. 22+10 to Sta. 24+35.
On both sides from Sta. 26+50 to Sta. 105+97±.
On both sides from Sta. 107+77± to Sta. 112+50.

*A single line of parallel parking will be permitted on the left side from Sta. 1114+23.2 to Sta. 1115+30.7 = Sta. 14+55.6 and continuing on the left side to Sta. 15+25.6.

*A single line of parallel parking will be permitted on right side from Sta. 1111+81 to Sta. 1113+04.

*A single line of parallel parking will be permitted on the right side from Sta. 19+85 to Sta. 22+10.

3. Speed Limits. The following speed limits are hereby established:

35 M.P.H. from Sta. 1065+64 to Sta. 1115+30.7 = 14+55.6.

35 M.P.H. from Sta. 14+55.6 to Sta. 105+97±.

35 M.P.H. from Sta. 107+77± to Sta. 112+50.

(d) U.S. Highways 64, 149 and 151.

1. Establishment. There are fixed and established controlled-access facilities and regulation of traffic on primary roads Iowa No. 64, Iowa No. 149, and U.S. No. 151 within the City of Cedar Rapids, described as follows: from intersection of Iowa No. 149 and U.S. No. 30 and U.S. No. 218 along Williams Boulevard northeasterly to First Avenue West and 18th Street intersection; thence easterly and northeasterly on First Avenue West to First Street NE; thence northwesterly on First Street NE to "A" Avenue NE; thence northeasterly on "A" Avenue NE to Tenth Street NE; thence southeasterly on Tenth Street NE to First Avenue; thence northeasterly on First Avenue to 20th Street NE
2. Extension. The City Council extends access control to the part of primary roads Iowa No. 64, Iowa No. 149, and U.S. No. 151 as may be included within any future extension of the corporate limits of Cedar Rapids.
3. Existing Rights. Existing access rights will not be destroyed except by gift, purchase, or appropriate condemnation proceedings thereof. However, such access rights shall be subject to such regulations in the interest of public welfare and safety as the City and Iowa State Highway Commission may agree upon, provided that no additional access ways shall be permitted by the City without consent and approval of the Iowa State Highway Commission.
 - A. The Iowa State Highway Commission shall be authorized to acquire right-of-way and access rights by gift, purchase, or condemnation on the above-described length of roadway.
 - B. Any changes in the physical features of this project will be authorized only after approval has been secured from the Iowa State Highway Commission.
4. Parking. No parking is permitted on a length of roadway from west corporate line as it existed in 1958 (a point on Williams Boulevard approximately 452 feet north S ¼ corner Section 30-83-7) thence northeasterly to 18th Street NW.
5. Speed. A speed limit is established on the length of roadway as described in paragraph 4 above of 35 miles per hour.

(e) State Highway No. 74.

1. Established. There are fixed and established controlled access facilities and regulation of traffic on the primary road Iowa No. 74 within the City of Cedar Rapids, described as follows: Beginning at the west corporate line (east line of west one-half of southwest quarter Section 24, Township 83, Range 8, easterly along Iowa No. 74 (F Avenue) to 1st Street NW; thence southeasterly along 1st Street NW ending at the intersection of 1st Street NW and 1st Avenue West.
 2. Extension. The City Council extends access control to the part of Primary Road Iowa No. 74 as may be included within any future extension of the corporate limits of Cedar Rapids.
 3. Existing Rights. Existing access rights will not be destroyed except by gift, purchase, or appropriate condemnation proceedings thereof. However, such access rights shall be subject to such regulations in the interest of public welfare and safety as the city and Iowa State Highway Commission may agree upon, provided that no additional access ways shall be permitted by the City without consent and approval of the Iowa State Highway Commission.
 - A. The Iowa State Highway Commission shall be authorized to acquire right-of-way and access rights by gift, purchase, or condemnation on the above-described length of roadway.
 - B. Any changes in the physical features of this project will be authorized only after approval has been secured from the Iowa State Highway Commission.
 4. Parking. No parking is permitted on a length of the above-described roadway, as follows: from 13th Street NW to 22.5 feet east of 8th Street NW.
 5. Speed. A speed limit is established between 8th Street NW and 13th Street NW of 25 miles per hour.
- (f) U.S. Highways 30 and 218.
1. Established. There are fixed and established controlled access facilities and regulations of traffic on Primary Roads U.S. No. 30 and U.S. No. 218 within the City of Cedar Rapids described as follows: from intersection U.S. No. 30 and U.S. No. 218 and Williams Boulevard along present route of U.S. No. 30 and U.S. No. 218 and 16th Avenue SW to 6th Street S.W; thence southerly along 6th Street SW on present route of U.S. No. 30 and U.S. No. 218 to intersection U.S. No. 218 south and U.S. No. 30 east, from this point southerly on U.S. No. 218 to south corporate line (southwest corner section 16-82-7), also from intersection U.S. No. 218 south and U.S. No. 30 east easterly on U.S. No. 30 to east corporate line. (East Quarter corner of Section 11-82-7.)
 2. Extension. The City Council extends access control to the part of Primary Roads U.S. No. 30 and U.S. No. 218 as may be included within any future extension of the corporate limits of Cedar Rapids.
 3. Existing Rights. Existing access rights will not be destroyed except by gift, purchase, or appropriate condemnation proceedings thereof. However, such access rights shall be subject to such regulations in the interest of public welfare and safety as the City and Iowa State Highway Commission may agree upon, provided that no additional access ways shall be permitted by the city without consent and approval of the Iowa State Highway Commission. Any changes in the physical features of this project will be authorized only after approval has been secured from the Highway Commission.
- (g) State Highway No. 150.

1. Established. There are fixed and established controlled access facilities and regulation of traffic on Primary Iowa Road No. 150 within the City of Cedar Rapids described as follows: from north corporate line (Blairs Ferry Road) southerly on Center Point Road NE to the centerline of the "New" 50th Street NE (Relocation), and from intersection of "Iowa No. 150 Cutoff" and Center Point Road (present route Iowa No. 150) northeasterly and easterly to intersection of 1st Avenue NE and Iowa No. 150 cutoff along route of said Iowa No. 150 cutoff.
2. Extension. The City Council extends access control to the part of Primary Road No. 150 as may be included within any future extension of the corporate limits of Cedar Rapids.
3. Existing Rights. Existing access rights will not be destroyed except by gift, purchase, or appropriate condemnation proceedings thereof. However, such access rights shall be subject to such regulations in the interest of public welfare and safety as the City and Iowa State Highway Commission may agree upon, provided that no additional access ways shall be permitted by the City without consent and approval of the Iowa State Highway Commission.
 - A. The Iowa State Highway Commission shall be authorized to acquire right-of-way and access rights by gift, purchase or condemnation on the above-described length of roadway.
 - B. Any changes in the physical features of this project will be authorized only after approval has been secured from the Iowa State Highway Commission.
4. Parking. Parking of any nature is prohibited on the following length of roadway: from the north corporate line (Blairs Ferry Road) southerly on Center Point Road NE to the center of "new" 50th Street NE (Relocation); from the intersection of Center Point Road NE, and "Iowa No. 150 cutoff" along route of said Iowa No. 150 cutoff to intersection of Iowa No. 150 cutoff and 1st Avenue East. (Present Route Iowa No. 150).
5. Speed. A speed limit is established between the intersection of the New 50th Street NE intersection with Center Point Road NE and the north corporate limits of 35 miles per hour.

Speed limits also are established as follows on Iowa No. 150 cutoff (from Center Point Road NE to 1st Avenue East):

East Bound:

45 miles per hour Sta. 0 + 34—54 + 86

45 miles per hour Sta. 81 + 77—117 + 00

30 miles per hour Sta. 117 + 00—130 + 73.2

West Bound:

45 miles per hour Sta. 130 + 73.2—81 + 77

45 miles per hour Sta. 54 + 86—10 + 00

30 miles per hour Sta. 10 + 00—0 + 34

(h) U.S. Highway 30.

1. Established. There are hereby fixed and established controlled-access facilities on the Primary Road System extensions improvement, Project No. U-96 (17), Primary Road No. U.S. No. 30 within the City of Cedar Rapids described as follows:

On the northerly side of the present route of U.S. No. 30 (Sta. 214 + 00.8 to Sta. 236 + 02 and from Sta. 253 + 78.0 to Sta. 280+28.0) and on both sides of the present

route of U.S. No. 30 Sta. 280+28 to Sta. 339+00 regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. U-96 (17) on file in the office of the City Clerk.

2. Parking. Parking of any nature is prohibited from Sta. 214+00.8 Lt. to Sta. 236+02 Lt. Sta. 253+78.0 Lt. to Sta. 280 + 28.0 Lt. and from Sta. 280+28 to Sta. 339+00.
3. Speed. The following speed limit is hereby established:

45 miles per hour from Sta. 280 + 28 to Sta. 339 + 00 as shown on the plans described above.

(i) State Highway No. 149.

1. Established. There are fixed and established controlled access facilities on the Primary Road System extension improvement, Project No. U-255 Primary Road No. Iowa 149 within the City of Cedar Rapids, Iowa described as follows:

Beginning at Sta. 391+77 (WCL near the south line of Section 36—T83N—R8W) thence northeasterly to Sta. 470 + 24.8 = Sta. 339.64.8 the Junction with U.S. 30 thence easterly on U.S. 30 to Sta. 348+00 regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. U-255 on file in the Office of the City Clerk.

2. Parking. Prohibit parking of any nature from Sta. 391+77.0 (WCL) to Sta. 470+24.8 on U.S. 30 from Sta. 339+64.8 to Sta. 348 and on Frontage Road Left Sta. 457 + 24 to Left Sta. 462.15 and on Frontage Road Right Sta. 457 + 24 (Iowa #149) to Sta. 346+57 (U.S. 30) and on relocated Edgewood Road Left and Right of Iowa #149 for a distance of 75 feet back of the edge of the outside through lane or Iowa #149.
3. Speed. The following speed limits are hereby established.

55 MPH from Sta. 391+77 to Sta. 455+00 as shown on the plans defined in this section.

35 MPH on U.S. #30 from Sta. 339+64.8 to Sta. 348+00 as shown on the plans defined in this section.

61.066 MOVABLE STOP SIGNS IN SCHOOL ZONES.

Movable stop signs shall only be placed in school zones pursuant to City Council resolution. When movable stop signs have been placed in the street at or within the limits of school zones, every driver of a vehicle approaching from the direction in which said stop sign faces shall stop within 10 feet of the stop sign or at a clearly marked stop line in advance of said stop sign, except when directed to proceed by a police officer.

61.067 OBEDIENCE TO SIGNAL OF APPROACHING TRAIN.

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal or cross gates or flagman or otherwise of the immediate approach of a train, the driver of such vehicle shall stop within 50 feet but not less than 10

feet from the nearest track of such railroad and shall not proceed until the driver can do so safely.

- (b) The driver of a vehicle shall stop and remain standing and not traverse such grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train.

61.068 STOP BEFORE CROSSING SIDEWALK OR EMERGING FROM ALLEY.

- (a) The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter the driver shall proceed into the sidewalk area only when they can do so without danger to pedestrian traffic, and the driver shall yield the right-of-way to any vehicular traffic on the street into which their vehicle is entering.
- (b) The driver of a vehicle about to enter or cross a street from a private road or driveway shall stop such vehicle immediately prior to driving on said street and shall yield the right-of-way to all vehicles approaching on said street.

61.069 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone.

61.070 ONE-WAY STREETS.

The City Council may by resolution establish streets or parts of streets as one-way streets and thereafter vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. Upon such streets or parts of streets thus marked with appropriate one-way traffic signs indicating the direction of lawful traffic movement, no person shall drive a vehicle in a direction other than that permitted by signs posted in accordance with this section.

61.071 ONE-WAY ALLEYS.

Upon those alleys or parts of alleys designated by resolution of the City Council as one-way alleys, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at the intersecting street entrance and intersecting street exit to such alley. Upon such alley or alleys thus marked with appropriate one-way traffic signs indicating the direction of lawful traffic movement, no person shall drive a vehicle in a direction other than that permitted by signs posted in accordance with this section.

61.072 DRIVING ON NEW PAVEMENT.

No person shall drive any animal or vehicle over any newly paved street, until same is opened for traffic.

61.073 SMOKE.

No driver of a vehicle shall permit its motor to operate in such a manner as to visibly emit an unduly great amount of steam, smoke, or products of combustion.

61.074 MUFFLERS, PREVENTION OF NOISE.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, by-pass, or similar device upon a motor vehicle on a street.

61.075 FOLLOWING FIRE APPARATUS.

The driver of any vehicle other than on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where a fire apparatus has stopped in answer to a fire alarm.

61.076 CROSSING FIRE HOSE.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

61.077 UNATTENDED MOTOR VEHICLE.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, or when standing upon any perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the street.

61.078 OBSTRUCTION TO DRIVER'S VIEW.

- (a) No person shall drive a vehicle when it is loaded, or when there are in the front seat such number of persons, exceeding 3, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with their control over the driving mechanism of the vehicle.

61.079 PUTTING GLASS, ETC., ON STREET.

No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such street.

61.080 REMOVING INJURIOUS MATERIAL.

Any person who drops or throws, or permits to be dropped or thrown, upon any street any destructive or injurious material shall immediately remove the same or cause it to be removed.

61.081 CLEARING UP WRECKS.

Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

61.082 PASSING HOSPITALS AND SCHOOLS.

The driver of a vehicle shall operate the same carefully and with the least possible amount of noise when passing any hospital, or a public school when in session.

61.083 STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

61.084 BOARDING OR ALIGHTING FROM MOVING VEHICLES.

No person shall board or alight from any vehicle while such vehicle is in motion.

61.085 UNLAWFUL RIDING.

No person shall ride on any vehicle any portion thereof not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or within truck bodies in spaces intended for merchandise.

61.086 CLINGING TO MOVING VEHICLES.

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall not attach the same or themselves to any moving vehicle upon any roadway.

61.087 PARALLEL PARKING AT CURB.

Except where angle parking is permitted, every vehicle stopped or parked upon a street, roadway, or bridge in the City where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb. Where parking is permitted at the left-hand curb on one-way streets, vehicles parked on the left side shall be stopped or parked with the left-hand wheels of such vehicle parallel with and within 18 inches of the left-hand curb.

61.088 ANGLE PARKING.

Angle parking may be permitted on such streets or portions thereof as the City Council may from time to time designate by resolution. Where angle parking is permitted, signs shall be erected, and except as otherwise provided by resolution all vehicles shall be parked at an angle of 45 degrees with the curb and with the right-hand front wheel as near to the curb as practical.

61.089 PARKING VANS OR TRUCKS.

Moving vans or trucks handling heavy freight or heavy merchandise may park at right angles with the curb while loading or unloading, but on through streets and in the business district, where angle parking is not permitted, permission for such right angle parking shall be first obtained from the Chief of Police. When thus parked the rear wheel of such vans or trucks shall be as near to the curb as practicable.

61.090 STOPPING, STANDING, OR PARKING PROHIBITED.

- (a) Prohibitions. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
1. On a sidewalk;
 2. In front of a public or private driveway;
 3. Within an intersection;
 4. Within 5 feet of a fire hydrant;
 5. On a crosswalk;
 6. Within 10 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
 7. Between a safety zone and the adjacent curb or within 10 feet of points on the curb immediately opposite the ends of a safety zone, unless the City Council indicates a different length by signs or markings;
 8. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light;

9. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign-posted;
 10. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
 11. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 12. At any place where official signs prohibit stopping or parking;
 13. Upon such streets, bridges, or portions thereof in the City as the City Council by resolution designates as prohibited districts, and where parking is prohibited suitable signs shall be erected in such districts, or suitable markings shall be placed upon the street, curb, or sidewalk in such districts showing that parking is prohibited;
 14. On the parking: (a) in the area between the sidewalk and the curb, or (b) where there is no boundary line of the roadway or, (c) where there is no sidewalk in the area between the property line and the lateral boundary line of the roadway or the curb. This subsection does not prohibit the parking of vehicles on the parking when the curb has been cut and the parking paved, except the parking is limited to the paved portion of the driveway directly perpendicular and adjacent to the open curb cut area and not beyond. This subsection shall not apply to vehicles where the width of the roadway is less than 25 feet;
 15. Parallel to the curb facing against the flow of traffic.
- (b) **Separate Offenses.** Each consecutive 6-hour period during one calendar day that a vehicle remains illegally parked as above provided shall be a separate and distinct offense under this chapter. The first offense shall terminate 6 hours after the time of a ticket charging said offense is issued, which time shall be noted on the ticket, and a separate and new offense shall occur during each 6-hour period thereafter.

61.090A (Repealed by Ordinance No. 026-09).

61.090B FIRE LANES.

- (a) No person shall park a vehicle in any place designated by the Fire Department as a fire lane and posted as hereinafter provided, whether such fire lane be upon publicly owned property or right-of-way, or upon privately owned property. Criminal charges shall be filed against the violator, or the Police Department may move such vehicle to a storage place as provided in Section 61.103, or both.
- (b) A fire lane shall be posted with signs at least every 50 linear feet thereof. A fire lane shall be deemed to encompass that area within a 25-foot radius of any fire lane sign posted pursuant to this section.
- (c) When an area is posted as a fire lane as provided in subsection (b) above, a presumption shall arise that said area was designated as a fire lane by or with the authority of the Fire Department.

61.091 MOVING OTHER VEHICLE.

No person shall move a vehicle not owned by such person into any such prohibited area, or away from a curb such distance as is unlawful.

61.092 THEATERS, HOTELS, AND AUDITORIUMS.

A space of 25 feet is hereby reserved at the side of the street in front of any theater, auditorium, hotel having more than 25 sleeping rooms, or other buildings where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

61.093 RUNNING MOTOR WHEN PARKED.

No person shall disturb the public peace and quiet of others, or cause the public peace and quiet of others to be disturbed by the running of any motor vehicle when parked in such a manner as to cause to be emitted therefrom loud or unusual noises.

61.094 PARKING ON STREETS UNDER REPAIR OR MAINTENANCE.

- (a) The City Traffic Engineer, City Streets Program Director, or their designees may post temporary "Emergency No Parking – Tow Away Zone" signs on streets or parts of streets for the purpose of street construction, repair, cleaning, snow removal, or maintenance and utility construction or repair. No person shall park or permit any vehicle registered in their name to be parked upon any street where such temporary "Emergency No Parking – Tow Away Zone" signs have been posted.
- (b) When such signs are posted, any vehicle parked so as to interfere with street construction, repair, cleaning, snow removal, or maintenance or utility construction or maintenance is declared to be a nuisance and may be moved on the street by the Police Department or may be moved to another street or a storage place as provided in Section 61.103 of this chapter.

61.094A TEMPORARY "NO PARKING" ZONES.

The City Traffic Engineering Department may, upon request, designate streets or parts of streets as temporary "Emergency No Parking – Tow Away Zone" for the purpose of public safety. The person requesting that the street or portion thereof be designated as a temporary "Emergency No Parking – Tow Away Zone" shall:

- (a) Notify the City Traffic Engineering Department of their desire to have a street or portion thereof temporarily designated as a "no parking" zone by the temporary placement of signs designating the "Emergency No Parking – Tow Away Zone" required for the purpose of public safety.
- (b) Receive approval from the Traffic Engineering Department for said temporary "Emergency No Parking – Tow Away Zone."

- (c) Utilize an insured company for providing traffic control measures as provided in Section 61.103 and as approved by the City Traffic Engineering Department.
- (d) Notify the City Traffic Engineering Department as to the name of the company providing said temporary signs, time and date said temporary signs were installed.
- (e) Post the temporary signs 12 hours prior to the needed traffic control requirements for said activities.

61.095 SNOW ROUTES.

- (a) The snow routes of the City shall be those designated by the City Council by resolution.
- (b) It shall be unlawful for any person to park or to attempt to park or to allow a vehicle to remain on a snow route within the City whenever the City Manager or designee finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast of snow, sleet, or freezing rain, that weather conditions have created or are likely to create hazardous road conditions or road conditions impeding or likely to impede the free movement of fire, health, police, emergency, or other vehicular traffic vital to the health, safety, and welfare of the community, the City Manager or designee may declare snow emergency routes in effect and prohibit parking or stopping of vehicles on designated snow routes. While the snow emergency is in effect, no person shall park or allow to remain parked any vehicle on any portion of a snow route to which it applies. The prohibition shall remain in effect until snow removal has been completed or until terminated by announcement of the City Manager or designee in accordance with this section.
- (c) Notice of the existence of a snow emergency and that parking is prohibited on snow routes shall be given the public by means of public service broadcasts or telecasts from stations with a normal operating range covering the City, and may be further announced in newspapers of general circulation when feasible. A parking prohibition so made shall not go into effect until at least one hour after it has been announced in accordance with this section. Termination of such a parking prohibition shall be effective immediately upon announcement in the same manner as provided in this section.
- (d) When conditions of snow or ice exist in the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic if the driving wheels of the vehicle are not equipped with snow tires, tire chains, limited-slip differential, 4-wheel drive, or front-wheel drive. "Snow tire" as used in this section means tires designed for use when there are conditions of snow or ice on the highways, and meeting the requirements promulgated by rule of the Iowa Department of Transportation.
- (e) Any person charged with impeding or blocking traffic for lack of snow tires, chains, limited-slip differential, 4-wheel drive, or front-wheel drive shall have such charge dismissed upon a showing to the court that their motor vehicle was equipped with snow tires, chains, a limited-slip differential, 4-wheel drive, or front wheel drive.
- (f) Any officer of the Cedar Rapids Police Department or authorized representative of Public Works Department shall be authorized to cause the towing or other removal of vehicles parked in violation of this section.
 - 1. Removal of vehicles as authorized by this subsection shall be accomplished as provided in Section 61.103 of this Chapter.

2. In the event that ownership of a vehicle removed pursuant to this subsection cannot be ascertained, the provisions of Section 61.103 of this Chapter regarding abandoned and inoperative motor vehicles shall be complied with.
 3. The owner of the vehicle or the person otherwise entitled to possession thereof shall pay the reasonable costs of towing and storage occasioned by removal of the vehicle removed as herein provided.
- (g) On each street designated as a snow route by the City Council, signs with the words "EMERGENCY SNOW ROUTE" shall be posted.
 - (h) In any prosecution for violation of this section, proof that the vehicle described in the complaint was parked or allowed to remain on a snow route in violation of this section, together with proof that the defendant named in the complaint was at that time the registered owner of the vehicle, is presumptive evidence that the defendant was the person who violated this section.
 - (i) Each consecutive hour during one calendar day that a vehicle is parked or allowed to remain on a snow route in violation of this section shall be a separate and distinct offense under this chapter. The first offense shall terminate one hour after the time a ticket charging such offense is issued, which time shall be noted on the ticket, and a separate and new offense shall occur during each one-hour period thereafter.
 - (j) The procedures and penalties applicable to parking violations and set forth in Section 61.110 of this Chapter shall apply to violations of this section.

61.095A RESIDENTIAL SNOW EMERGENCY ALTERNATE SIDE PARKING.

- (a) Upon declaration of a residential snow emergency by the City Manager or designee, vehicles which are parked on public streets not designated and signed as "Emergency Snow Routes" shall comply with the following:
 1. From 8:00 a.m. to 4:00 p.m. on the next day following a declaration of a residential snow emergency, vehicle parking on public residential streets shall only be permitted on the side of the street with even numbered addresses on even numbered calendar days or odd numbered addresses on odd numbered calendar days.
 2. From 8:00 a.m. to 4:00 p.m. on the second morning following such declaration of a residential snow emergency, parking will be permitted only on the opposite side of the street as was permitted the previous day.
 3. Permitted parking on these 2 days following the declaration of residential snow emergency on public residential streets shall not apply to posted emergency snow routes, Interstate 380, parking metered areas in the central business district or other areas where parking is presently restricted between the hours of 2:00 a.m. and 6:30 a.m., and any street where the alternate side parking would conflict with permanently posted parking restrictions.
- (b) Any officer of the City of Cedar Rapids Police Department or authorized representative of the Public Works Department shall be authorized to cause the towing or other removal of vehicles parked in violation of this section.
 1. Removal of vehicles as authorized by this subsection shall be accomplished as provided in Section 61.103 of this Chapter.

2. In the event that ownership of a vehicle removed pursuant to this subsection cannot be ascertained, the provisions of Section 61.103 of this Chapter regarding abandoned and inoperative vehicles shall be complied with.
 3. The owner of the vehicle or the person otherwise entitled to possession thereof shall pay the reasonable costs of towing and storage occasioned by removal of the vehicle removed herein provided.
- (c) On each street designated as a snow route by the City Council, signs with the words "Emergency Snow Route" shall be posted.
 - (d) In any prosecution for violation of this section, proof that the vehicle described in the complaint was parked or allowed to remain on a residential public street in violation of this section, together with proof that the defendant named in the complaint was, on the date and time entered on the complaint, the registered owner of the vehicle, is presumptive evidence that the defendant was the person who violated this section.
 - (e) Each consecutive hour during one calendar day that a vehicle is parked or allowed to remain on a declared residential snow emergency alternate side parking on public streets in violation of this section shall be a separate and distinct offense under this Chapter. The first offense shall terminate one hour after the time a ticket charging such offense is issued, which time shall be noted on the ticket, and a separate and new offense shall occur during each one-hour period thereafter.
 - (f) The procedures and penalties applicable to parking violations and set forth in Section 61.110 of this Chapter shall apply to violations of this section.

61.096 PARKING LARGE VEHICLES.

- (a) No person shall park any motor truck, trailer, semi-trailer, truck tractor, or motor home which exceeds 84 inches in width or 20 feet in length on any street between sunrise and sunset for a period longer than 60 minutes, or between sunset and sunrise for a longer period than 30 minutes, except for loading and unloading purposes, or while in the actual process of being loaded or unloaded or making necessary minor repairs.
- (b) "Motor home" means any motor vehicle so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons and customarily or ordinarily used for vacation or recreational purposes.

61.097 PARKING OF LIVESTOCK OR POULTRY TRUCKS.

- (a) No person shall park any livestock or poultry truck on any street while loaded or partially loaded with livestock or poultry otherwise than temporarily for the purpose of and while actually engaged in the repairing or adjusting of the vehicle which has been necessitated by an emergency affecting the vehicle, or in obedience to traffic regulations or traffic signs or signals.
- (b) No person shall park upon any street any empty livestock or poultry truck unless the same has been cleaned or flushed immediately prior thereto.
- (c) No person shall load or unload any livestock or poultry truck upon any street.

61.098 LIMITATIONS ON PARKING.

The City Council may by resolution fix parking limitations on certain streets and bridges, or portions thereof, and when the time for parking is limited, suitable signs shall be erected in such districts or suitable markings shall be placed upon the street, curb, or sidewalk in such districts where such limitations are in effect, designating the time allowed for parking and the driver of any vehicle shall comply with such signs or markings.

61.099 LOADING SPACES.

In front of shipping or receiving entrances to business houses having no access to an alley "No Parking" spaces may be provided by compliance with the following conditions:

- (a) The owner or occupant of any such building as above described desiring "No Parking" space in front of such building shall make application in writing to the City Council setting forth all relevant information and stating the number of feet desired for such purposes.
- (b) The City Council shall have the authority to grant or refuse such application in its discretion, or it may grant the same with reasonable restriction and limitations.
- (c) Such permit may at any time, when the public welfare will be promoted, be withdrawn or further limited by the City Council.
- (d) To enforce the provisions of such permit the holders thereof shall place 2 "No Parking" standards or signs on the sidewalk next to the curb marking the limits of such "No Parking" space.
- (e) Such signs shall be of the size, character and description required by the Iowa Department of Public Safety.

61.100 UNAUTHORIZED SIGNS FOR LOADING SPACES.

"No Parking" standards or signs for loading spaces shall not be placed except on authority of the Chief of Police, and when so placed no vehicles shall be permitted to remain within such space longer than is reasonably necessary to load or unload passengers, freight, baggage, or merchandise.

61.101 PARKING IN ALLEYS.

- (a) No person shall stop or park a motor vehicle in any alley of the City except when necessary to avoid a conflict with traffic or to comply with the direction of a police officer or traffic control device.
- (b) Any automobile parking in an alley shall be found in violation of this section except when:
 - 1. Permanently marked on the side of the vehicle with the business which it represents. Permanently marked shall require the vehicle to have a painted or paneled sign permanently attached to the side of the vehicle.

2. A qualified operator of an unmarked automobile is in attendance at all times, being subject to movement upon request.
- (c) No person shall park any motor vehicle as authorized in subsection (b) except for the expeditious loading or unloading of material, merchandise, or passengers. In making such authorized stops, the vehicle shall comply with the following:
1. Every vehicle stopped or parked in an alley shall be stopped or parked parallel on the operator's right hand side of the alley in such manner as to leave a minimum of 10 feet clear roadway for free movement of vehicular traffic (except where an existing loading dock exists and prevents such clearance).
 2. Parallel parking on the left side of the alley may be permitted for the purpose of loading and unloading when a qualified operator is in attendance at all times, being subject to movement upon request, to permit free movement of vehicular traffic.

61.102 USING STREETS FOR STORAGE.

- (a) No person shall use the street or the area between the sidewalk and the curb or roadway for storage purposes, or to park vehicles for the purpose of displaying them for sale, or for the repairing of any vehicles except where it may be necessary to use same for a short time to make emergency repairs, provided the consent of the owner or tenant has been secured.
- (b) Any vehicle parked upon any street or in the area between the sidewalk and the curb or roadway for longer than 48 hours shall constitute using the streets for storage and the Police Department may move such vehicle to a storage place as provided in Section 61.103.

61.103 REMOVING VEHICLES FROM STREETS.

- (a) **Authority.** Officers of the Police Department and supervisors of the Public Works Department may remove or direct the removal of a vehicle from a street or other public or private property to the nearest garage or other place of safety, or to a garage designated and maintained by the City, under the following circumstances:
1. When any vehicle is left unattended upon any bridge or viaduct where such vehicle constitutes an obstruction to traffic.
 2. When a vehicle upon a street or alley is so disabled as to constitute an obstruction to traffic and there is no person in charge thereof or the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
 3. When any vehicle is left unattended upon a street or alley and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
 4. When a vehicle is parked and left unattended upon a street in violation of Sections 61.095 and 61.095A of this Chapter.
 5. When a vehicle is parked so as to interfere with street construction, repair, cleaning, maintenance, the prompt and orderly removal of snow and/or ice, or so as to interfere with utility construction or maintenance on streets or portion of streets approved by the City Traffic Engineering Department for temporary "Emergency No Parking – Tow Away

Zone” for the purpose of public safety. Temporary No Parking signs shall be posted for 12 hours prior to said activities.

6. When a vehicle is parked on a street for more than 48 hours.
7. When a vehicle is parked in any municipal parking lot for more than 24 hours.
8. When a vehicle is parked in an officially marked bus stop.
9. When a vehicle is abandoned. “Abandoned vehicle” means any of the following:
 - (a) A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or 2 or more wheels or other parts which renders the vehicle totally inoperable, or
 - (b) A vehicle that has remained illegally on public property for more than 24 hours, or
 - (d) A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, the Police Department may declare the vehicle abandoned within the 10-day period by commencing the notification process in subsection (b) of this section.
 - (e) Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - (f) A vehicle that has been impounded pursuant to chapter 321J.4B of the Code of Iowa by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
10. When a vehicle is parked on a street or within a City-owned parking lot and where signs have been installed establishing a “Tow Away Zone.” A permanent “Tow Away Zone” shall be established by resolution of the City Council. A temporary “Tow Away Zone” may be established as provided in Section 61.094 and Section 61.094A.
11. When a vehicle is parked onto or upon publicly owned or privately owned property that is posted as a fire lane under provisions of Section 61.090B.

(b) Notification of Owner, Lienholders, and Other Claimants.

1. A police authority or private entity which takes into custody an abandoned vehicle shall notify, within 20 days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model, and serial number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within 10 days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody plus the costs of notice required pursuant to this subsection plus any administrative fee imposed pursuant to subsection (l) of this section. The notice shall also state that the failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and all claimants of all right, title, claim, and interest in the vehicle or personal property, and that failure to reclaim the

vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. The notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, and claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.

2. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under this section. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in subsection (b)(1) of this section.
3. The owner, lienholders, or claimants may, by written request delivered to the police authority or private entity prior to the expiration of the 10-day reclaiming period, obtain an additional 5 days within which the vehicle or personal property may be reclaimed.

(c) Auction of Abandoned Vehicles.

1. If an abandoned vehicle has not been reclaimed as provided for in subsection (b), the police authority or private entity shall make a determination as to whether or not the vehicle shall be sold for use upon the highways. If the vehicle is not sold for use upon the highways, it shall be sold for junk, or demolished and sold as scrap. The police authority or private entity shall sell the vehicle at public auction. Notwithstanding any other provision of this section, a police authority or private entity, which has taken into possession any abandoned vehicle which lacks an engine, 2 or more wheels, another part which renders the vehicle totally inoperable, or which has a fair market value of less than \$500.00 as determined by the police authority or private entity, may dispose of the vehicle to a demolisher for junk without public auction after complying with the notification procedures enumerated in subsection (b). The purchaser of the vehicle takes title free and clear of all liens and claims of ownership, shall receive a sales receipt from the police authority or private entity, and is entitled to register the vehicle and receive a certificate of title if sold for use upon the highways. If the vehicle is sold or disposed of to a demolisher for junk, the demolisher shall make application for a junking certificate to the County Treasurer within 30 days of purchase and shall surrender the sales receipt in lieu of the certificate of title.
2. From the proceeds of the sale of an abandoned vehicle the police authority, if the police authority did not hire a private entity, shall reimburse itself for the expenses of the auction, the costs of towing, preserving, and storing which resulted from placing the abandoned vehicle in custody, all notice and publication costs incurred pursuant to subsection (b), the cost of inspection, and any other costs incurred except costs of bookkeeping and other administrative costs. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and shall then be deposited in the road use tax fund. The costs to police authorities of auction, towing, preserving, storage, and all notice and publication costs, and all other costs which result

from placing abandoned vehicles in custody, whenever the proceeds from a sale of the abandoned vehicles are insufficient to meet these expenses and costs, shall be paid from the road use tax fund and are the obligation of the last owner or owners, jointly and severally.

3. The Director of Transportation shall establish by rule a claims procedure to be followed by police authorities in obtaining expenses and costs from the fund. If a private entity has been hired, the police authority may file a claim with the Department for reimbursement of towing fees which shall be paid from the road use tax fund.

(d) **Garagekeepers and Abandoned Motor Vehicles.** Any motor vehicle left in a garage operated for commercial purposes after the period for which the vehicle was to remain on the premises shall, after notice by certified mail to the last known registered owner of the vehicle addressed to the owner's last known address of record to reclaim the vehicle within 10 days of the date of the notice, be deemed an abandoned motor vehicle unless reclaimed by the owner within such 10-day period or the owner notifies the garagekeeper in writing within such period of time that such vehicle is not an abandoned motor vehicle and shall be reported by the garagekeeper to the police authority. If the identity or address of the last registered owner of the motor vehicle cannot be determined, the vehicle shall be deemed an abandoned motor vehicle on the eleventh day after the period for which the vehicle was to remain on the premises unless reclaimed by the owner within the 10-day period or the owner notifies the garagekeeper in writing within such period of time that such vehicle is not an abandoned motor vehicle and shall be reported by the garagekeeper to the police authority. All abandoned motor vehicles left in garages may be taken into custody by a police authority upon the request of the garagekeeper and sold in accordance with the procedures set forth in Section 321.89, subsection 5, Code of Iowa, unless the motor vehicle is reclaimed. The proceeds of the sale shall be first applied to the garagekeeper's charges for towing and storage, and any surplus proceeds shall be distributed in accordance with Section 321.89, subsection 5, Code of Iowa. Nothing in this section shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a garagekeeper to foreclose the garagekeeper's lien, provided that a garagekeeper shall be deemed to have abandoned the garagekeeper's artisan lien when such vehicle is taken into custody by the police authority. For the purposes of this section "garagekeeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.

(e) **Disposal to Demolisher.**

1. Any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed and is thereby unable to transfer title to the motor vehicle, may apply to the police authority of the jurisdiction in which the motor vehicle is situated for authority to sell, give away, or otherwise dispose of the motor vehicle to a demolisher.
2. The application shall set out the name and address of the applicant, and the year, make, model, and serial number of the motor vehicle, if ascertainable, together with any other identifying features, and shall contain a concise statement of the facts surrounding the abandonment, or a statement that the title of the motor vehicle is lost or destroyed, or the reasons for the defect of title in the owner. The applicant shall execute an affidavit stating that the facts alleged are true and that no material fact has been withheld. An order for disposal obtained pursuant to Section 555B.8, subsection 3, Code of Iowa, satisfies the application requirements of this paragraph.

3. If the police authority finds that the application is executed in proper form, and shows that the motor vehicle has been abandoned upon the property of the applicant, or if it shows that the motor vehicle is not abandoned but that the applicant appears to be the rightful owner, the police authority shall follow appropriate notification procedures as set forth in subsection (b), except that in the case of an order for disposal obtained pursuant to Section 555B.8, subsection 3, Code of Iowa, no notification is required.
4. If the abandoned motor vehicle is not reclaimed in accordance with subsection (b), or no lienholder objects to the disposal in the case of an owner-applicant, the police authority shall give the applicant a certificate of authority allowing the applicant to obtain a junking certificate for the motor vehicle. The applicant shall make application for a junking certificate to the County Treasurer within 30 days of purchase and surrender the certificate of authority in lieu of the certificate of title. The demolisher shall accept the junking certificate in lieu of the certificate of title to the motor vehicle.
5. Notwithstanding any other provisions of this section any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk without a title and without the notification procedures of subsection (b), if the motor vehicle lacks an engine or 2 or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The owner shall apply to the county treasurer for a junking certificate within 30 days of purchase and shall surrender the certificate of authority in lieu of the certificate of title.
6. The owner of an abandoned motor vehicle and all lienholders shall no longer have any right, title, claim, or interest in or to the motor vehicle; and no court in any case in law or equity shall recognize any right, title, claim, or interest of any owner or lienholders after the disposal of the motor vehicle to a demolisher.
7. Any proceeds from the sale of an abandoned motor vehicle to a demolisher under this section, by one other than the owner of the vehicle, except the sale of a vehicle pursuant to an order for disposal obtained pursuant to subsection (b), shall first be applied to that person's expenses in effecting the sale, including storage, towing, and disposal charges, and any surplus shall be distributed in accordance with subsection (c). The proceeds from the sale of a vehicle disposed of pursuant to Section 555B.8, subsection 3, Code of Iowa, shall be distributed in accordance with Section 555B.9, Code of Iowa.

(f) Duties of Demolishers.

1. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk under the provisions of this section shall junk, scrap, wreck, dismantle, or demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.
2. A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by the demolisher in the course of the demolisher's business. These records shall contain the name and address of the person from whom each motor vehicle was purchased or received and the date when the purchases or receipts occurred. The records shall be open for inspection by any police authority at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies.

- (g) **Liability for Damages.** No person, firm, corporation, unit of government, garagekeeper, or police authority upon whose property an abandoned motor vehicle is found or who disposes of such abandoned vehicle in accordance with this section shall be liable for damages by reason of the removal, sale, or disposal of such motor vehicle.
- (h) **Stolen Vehicles.** Whenever any motor vehicle is seized under Section 321.84, Code of Iowa, or whenever any motor vehicle is stolen or embezzled, and is not claimed by the owner before the date on which the person charged with the stealing or embezzling of same is convicted, then the officer having the motor vehicle in the officer's custody must, on such date by certified mail, notify the State Department of Transportation that the officer has such a motor vehicle in the officer's possession, giving a full and complete description of same, including all marks of identification, factory and serial numbers.
- (i) **Failure of Owner to Claim.** If the owner does not appear within 40 days, the motor vehicle shall be deemed abandoned and the officer having possession of the motor vehicle shall proceed as provided in subsections (b) and (c).
- (j) **Bids on Towing.** The City Council shall take bids from private operators for schedules of fees for towing and storage of vehicles as provided in this chapter upon such terms and conditions as it may prescribe. Thereupon, the City Council, after receiving and reviewing said bids, may accept the bid which in its judgment is the most advantageous to the city and in the best interest of the public, and shall thereupon designate the bidder submitting the successful bid to tow and store such vehicles. The appropriate department head or authorized representative is hereby empowered to order the bidder designated by the City Council to tow and store such vehicles as may be necessary and authorized under this section until disposed of as provided in this chapter. Such bidder is hereby authorized to retain such vehicle until the fees, as set out in the bid for towing and storage, shall be paid.

The City Council shall have the right to waive irregularity in any bids, to reject any and all bids received and to re-advertise if desired.

- (k) **Penalty.** Any person who abandons a motor vehicle shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of not more than \$260.00 . Each day a violation occurs shall constitute a separate offense.
- (l) **Administrative Fee for Towing.** In addition to any penalty provided by law, the City may impose an administrative fee for each instance of towing pursuant to this section. The fee imposed shall be in an amount set by the City Manager, and except as otherwise provided in subsection (c) of this section, must be paid prior to the vehicle being released from the City's custody.

61.104 TAXICAB STANDS.

- (a) **Designation.** The City Council may by resolution designate as taxicab and limousine stands such space along the side of the curb, adjacent to property used as public parks, public buildings, railroad stations, hotels, restaurants, theaters, municipal airports, property owned or leased by the City, or other public places as it may deem proper. The City Council shall also designate the number of taxicabs which shall be allowed to stand at any of the places so designated by it and shall provide a sign or suitable marking which will clearly designate the area or space designated as a taxicab stand. The City Council may in its discretion and upon application of owner of premises in the city designate space adjacent to or on such premises as a taxicab stand. Any taxicab stands so created upon the application of owner of premises may be vacated at any time by the City Council. The City Council may also, by

resolution, designate as taxi and limousine stands such spaces as it may deem proper at the municipal airport and also other spaces as holding areas where persons operating taxicabs may wait in their cabs until a vacancy occurs at a designated taxi stand. The City Council may also, by resolution, prohibit the solicitation of business by taxicab operators within the airport terminal and the adjacent area.

- (b) **Use.** Only taxicabs licensed by the City may remain at a designated stand while waiting for employment. No private vehicle may park in or occupy any space which the City Council has designated as a taxicab stand.
- (c) **Temporary Parking of Taxicabs.** No person operating a taxicab shall park or allow to be parked any taxicab on any street or alley except for making emergency repairs or for receiving or discharging passengers. The above limitations shall not apply to streets or alleys located outside of the business district. The Police Department may authorize the temporary parking of a taxicab while the taxicab is actually awaiting employment from individuals attending any public or private event. At all other times a taxicab when unemployed shall be parked in the taxicab stands authorized and designated by the City Council.

61.105 PARKING METER ZONES

- (a) **Congested Traffic Areas.** The congested traffic area is hereby declared to be:

B Avenue NE, from 1st Street NE to 3rd Street NE;
A Avenue NE, from 1st Street NE to 10th Street NE;
1st Avenue E., from 1st Street E. to 16th Street E.;
2nd Avenue SE, from 1st Street SE to 10th Street SE;
3rd Avenue SE, from 1st Street SE to 10th Street SE;
4th Avenue SE, from 1st Street SE to 10th Street SE;
5th Avenue SE, from 1st Street SE to 10th Street SE;
6th Avenue SE, from 1st Street SE to 10th Street SE;
7th Avenue SE, from the Red Cedar River to 10th Street SE;
1st Street E., from B Avenue NE to 8th Avenue SE;
2nd Street E., from B Avenue NE to 9th Avenue SE;
3rd Street E., from B Avenue NE to 9th Avenue SE;
4th Street SE, from 3rd Avenue SE to 5th Avenue SE;
5th Street E., from A Avenue NE to 8th Avenue SE;
6th Street E., from A Avenue NE to 8th Avenue SE;
7th Street E., from A Avenue NE to 8th Avenue SE;
8th Street E., from A Avenue NE to 8th Avenue SE;
10th Street E., from A Avenue NE to 8th Avenue SE;
The bridge and approaches thereto from B Avenue and 1st Street NE, to F Avenue and 1st Street NW;
1st Avenue, including the bridge and approaches thereto, from 1st Street E. to 3rd Street W.;
2nd Avenue, including the bridge and approaches thereto, from 1st Street SE to 3rd Street SW;
3rd Avenue, including the bridge and approaches thereto, from 1st Street SE to 3rd Street SW;
1st Street W. from F Avenue NW to 4th Avenue SW;
2nd Street W. from A Avenue NW to 4th Avenue SW;
3rd Street W. from A Avenue NW to 4th Avenue SW

- (b) **Downtown Core.** The downtown core area is hereby declared to be:

1st Avenue E., from 1st Street E. to 10th Street E.;
 2nd Avenue SE, from 1st Street SE to 10th Street SE; loop;
 3rd Avenue SE, from 1st Street SE to 10th Street SE; loop;
 4th Avenue SE, from 1st Street SE to 10th Street SE; loop;
 5th Avenue SE, from 1st Street SE to 10th Street SE; loop;
 16th Avenue SE, from 1st Street SE to 10th Street SE; loop;
 7th Avenue SE, from the Red Cedar River to 10th Street SE; loop;
 1st Street E., from B Avenue NE to 8th Avenue SE; loop;
 2nd Street E., from B Avenue NE to 9th Avenue SE; loop;
 3rd Street E., from B Avenue NE to 9th Avenue SE; loop;
 4th Street SE, from 3rd Avenue SE to 5th Avenue SE; loop;
 5th Street E., from A Avenue NE to 8th Avenue SE; loop;
 6th Street E., from A Avenue NE to 8th Avenue SE; loop;
 7th Street E., from A Avenue NE to 8th Avenue SE; loop;
 8th Street E., from A Avenue NE to 8th Avenue SE; loop;
 10th Street E., from A Avenue NE to 8th Avenue SE; loop;
 1st Avenue, including the bridge and approaches thereto, from 1st Street E. to 3rd Street W.; bridge loop the rest fringe;
 2nd Avenue, including the bridge and approaches thereto, from 1st Street SE to 3rd Street SW; bridge loop the rest fringe;
 3rd Avenue, including the bridge and approaches thereto, from 1st Street SE to 3rd Street SW; bridge loop the rest fringe.

- (c) **Designation of Individual Parking Spaces.** The City Manager, or the Council's Designee, shall designate and mark off such individual parking spaces as they deem proper along the streets in the congested traffic area and the downtown core area for the parking of vehicles. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space.
- (d) **Parking Meters to be Installed.** The City Manager, or the Council's Designee, shall place, install, and remove Parking Meters or signs upon the curb side or in the vicinity of individual parking spaces designated and marked off in the congested area and the downtown core area where parking is restricted. All such Parking Meters or signs shall be under the management, supervision, and control of the City and/or the Council's Designee.
- (e) **Meter Rates.** Where a vehicle may be parked in an individual parking space and where a Parking Meter has been installed, the person parking such vehicle shall deposit suitable funds in the Parking Meter or Centralized Paystation, in accordance with the rate specified on the Parking Meter or at the Centralized Paystation. The parking rates for such Parking Meters and Centralized Paystations are as follows:

On-Street	Meter Hourly Rates
Congested Traffic Areas	\$1.25/hr
Downtown Core	\$1.25/hr
Food Truck Parking in Any On-Street Metered Spot(s)	\$5.00 per meter per day

- (f) The City Council or the Council's Designee shall from time to time determine the length of time that parking is permissible in an individual parking space for which a Parking Meter is installed upon the deposit of such funds in the Parking Meter, Centralized Paystation as hereinbefore provided.
- (g) **Hours of Operation.** The provisions of this section apply to vehicles parked or standing upon such streets between the hours of 9:00 a.m. and 5:00 p.m. on each day except Saturdays and Sundays and holidays and except where appropriate signs are posted upon

the direction of the City Manager or the Council's Designee in the manner provided herein indicating extended hours of Parking Meter use beyond the hours prescribed above.

- (h) **Temporary Permit Parking.** The City Manager or the Council's Designee may authorize temporary permit parking for all locations with a Parking Meter and, when such a temporary permit is issued, shall establish the effective dates of said permit. The fee for each such permit shall be \$125.00. When properly displayed, the permit shall authorize parking at all on-street and off-street Parking Meter spaces, except at spaces identified as handicapped, reserved, no parking or loading spaces, during the hours established in subsection (g) of this section. Said permit parking shall not require the deposit of funds in the Parking Meters or Centralized Paystation as established in subsection (e) of this section.

61.106 MUNICIPAL PARKING FACILITIES

- (a) **Establishment.** All parking structures or lots and off-street parking areas, ramps, and underground facilities owned and operated by the City and/or the Council's Designee are hereby declared to be municipal parking facilities.
- (b) **Designation of Individual Parking Spaces.** The City or Council's Designee shall designate and mark off such individual parking spaces for the parking of vehicles in the municipal parking facilities as traffic conditions require. At each place where individual parking spaces are marked off, each vehicle shall be parked entirely within an individual parking space. Where angle parking is provided, the front of the vehicle shall be nearest to the Parking Meter and it shall be illegal to back a vehicle into such a parking space.
- (c) **Regulations.** The City or the Council's Designee shall establish such regulations as may be necessary to designate the manner in which vehicles shall enter and leave the various municipal parking facilities and the manner in which they shall be driven thereon. The City or the Council's Designee shall post signs in an appropriate and noticeable place or places to notify the public of said regulations, and thereafter all violations thereof shall be subject to the penalty provided for violation of this Chapter.
- (d) **Trucks.** No person shall drive or park a semi-truck on a municipal parking facility.
- (e) **Towing Away Vehicles.** Any vehicle parking in any municipal parking facility for a period longer than 24 hours shall constitute a nuisance and the City or the Council's Designee may move the vehicle off the parking facility to a storage place as provided in Section 61.103 of this Chapter at the vehicle owner's expense.
- (f) **Metered Parking Structures or Lots.** The City or the Council's Designee shall place, install, and remove Parking Meters for individual parking spaces designated and marked off in the parking areas where parking is restricted and subject to regulation by Parking Meters. Whenever a vehicle shall be parked in an individual parking space where a Parking Meter has been installed, the person parking such vehicle shall deposit such funds in the Parking Meter or the Centralized Paystation. Notice to the public shall be given by appropriate signs in a conspicuous place either on the Parking Meter, the Centralized Paystation or in the immediate vicinity of the Parking Meter or Centralized Paystation setting forth the length of time for which parking is permitted and the conditions thereof. Any vehicle which remains in an individual parking space after the time prescribed shall be illegally parked. For metered parking structures or lots the hourly rates charged shall be as follows:

Parking Structures	
3rd Avenue	\$.75

4th Avenue	\$.75
Five Seasons	\$.75 (1 st hour free)
GTC	\$.75
Mays Island	\$.75
Convention Center	\$.75 (1 st hour free)
Southside	\$.75

Lots	
Lot 3	\$.75
Lot 9	\$.75
Lot 10	\$.75
Lot 12	\$.75
Lot 44	\$.75

Other Rates applicable to Lots and Parking Structures	
Daily max fee	\$12.00
Lost Ticket fee	\$24.00
Event Parking	\$2.00-\$25.00 per day based event
Hooded Meters	\$15.00 per day
Meter Placard	\$3.00 per day
Food Trucks	\$5.00 per day

The hours of operation in metered parking lots shall be 24 hours each day unless signs are posted in the manner provided herein indicating different hours of operation.

- (g) **Nonmetered Parking Facilities.** The City or the Council's Designee shall designate and mark off such individual parking spaces for the parking of vehicles in the nonmetered facilities as may be required. At each place where individual parking spaces are marked off, each vehicle shall be parked entirely within an individual parking space. No vehicle shall be backed into an individual parking space. The monthly rates for parking at City-owned non-metered parking lots shall be as follows:

LOCATION	Non ACH RATES	ACH RATES
1st St Parking Ramp	\$58.00	\$48.00
GTC	\$80.00	\$70.00
4th Ave Parking Ramp	\$65.00	\$55.00
3rd Ave Parking Ramp	\$70.00	\$60.00
Five Seasons Parking Ramp	\$65.00	\$55.00
Southside Ramp	\$95.00	\$85.00
Convention Center Ramp	\$95.00	\$85.00
Lot 3	\$35.00	\$25.00
Lot 9	\$50.00	\$40.00
Lot 10	\$50.00	\$40.00
Lot 12	\$50.00	\$40.00
Lot 40+ Ext	\$58.00	\$48.00
Lot 42	\$58.00	\$48.00
ONSTREET ZONE PARKING	\$85.00	\$75.00
ONSTREET – "CARTE BLANCHE"	\$125.00	\$115.00
Reserved Monthly Parking Spaces	\$110.00	\$110.00

Municipal employees may park at a lesser amount than the above rates if authorized by resolution of the City Council.

61.106A MONTHLY PARKING.

Monthly parkers must have a valid hangtag, permit, access card, or registered license plate properly displayed for their vehicle to be exempt from parking violations. If a monthly parker does not have a valid hangtag permit, access card, or registered license plate properly displayed and their vehicle is parked in a space, lot, or ramp where monthly parking has been established by resolution of the City Council pursuant to section 61.106 of this Chapter or in a parking space adjacent to an expired parking meter in violation of section 61.107 of this Code, the vehicle shall be illegally parked and subject to a citation and the penalty provided for parking meter violations in sections 61.107 and 61.110 of this Chapter.

61.107 PARKING METER VIOLATIONS.

- (a) **Evidence.** Parking is prohibited in any parking space on a street or in a municipal parking facility where a Parking Meter and/or other sign is installed and displays instructions as to how fees for that parking space shall be paid, unless said fees are properly paid at the time of parking as provided herein. Any vehicle parking in contravention of this provision shall be deemed illegally parked. The fact that a vehicle is in an individual parking space when the time signal on the Parking Meter of the same shows no parking permitted unless a deposit of a proper funds is made as herein provided shall be deemed prima facie evidence of the unlawful parking of such motor vehicle by its operator or owner.
- (b) **Overtime Parking.** No person shall cause, allow, permit, or suffer any vehicle registered in the name of or operated by such person to be parked beyond the period of legal parking time established for any parking space on a street or in a municipal parking facility where a Parking Meter and/or other sign is installed which indicates a limit on the parking time.
- (c) **Meter Violation.** No person shall permit a vehicle to remain or be placed in any parking place adjacent to any Parking Meter on a street or in a municipal parking facility or lot while the meter fee provided for herein is unpaid or the time paid for has expired.
- (d) **Separate Offenses.** Each consecutive hour during one calendar day that a vehicle remains illegally parked as above provided shall be a separate and distinct offense under this Chapter. The first offense shall conclude one hour after the time a ticket charging said offense is issued, which time shall be noted on the ticket, and a separate and new offense shall occur during each one hour period thereafter.
- (e) **Penalty.** The penalty for offenses for meter or non-meter parking violations shall be as prescribed in Section 61.110 of this Chapter.

61.108 TAMPERING WITH AND USE OF SLUGS IN PARKING METERS.

- (a) **Tampering with Meters.** No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Chapter.

- (b) **Use of Slugs in Meters.** No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substance or any substitute for such coin or coins of United States money as may be permitted as shown by the notice on the meter or in the vicinity thereof.

61.109 PARKING SYSTEM PROMOTION AND PUBLIC RELATIONS.

- (a) The City Council's Designee may, upon approval of the City Council, initiate on an annual basis, special programs to improve parking system operations and to promote improved services for patrons of the parking system. Said programs shall be under the direction of the City Council's Designee.
- (b) **Reduced Fee Programs.** Limited and controlled reduced fee parking may be initiated in designated parking spaces and facilities by City Council or City Council's Designee.
- (c) **Courtesy Warning Violation Tickets.** Courtesy warning violation tickets may be issued by the Meter Patrol Officer for designated parking violations in alleys and on-street and off-street parking facilities.
- (d) City Council's Designee

61.110 TICKETING AND PAYMENT OF PARKING VIOLATION.

- (a) In the event of a meter or non-meter parking violation, it shall be the duty of the police officers and Meter Patrol Officers to report:
 - 1. The parking violations involved.
 - 2. In the event of a Parking Meter violation, the number of each Parking Meter, parking space, or license plate identification which indicates that the vehicle occupying the parking space adjacent to such Parking Meter or parking space is or has been parked in violation of any of the provisions of Section 61.105, 61.106 and 61.107 of this Chapter.
 - 3. The state license number of such vehicle.
 - 4. The time during which such vehicle is or was parked in violation of any of the provisions of this Chapter, and the time the ticket was issued.
 - 5. Any other fact or facts, knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
- (b) Each police officer or Meter Patrol Officer shall either attach to such vehicle or mail a notice to the owner or operator of that vehicle that their vehicle has been parked in violation of this Chapter and instructing the owner or operator to report to the Parking Office in regard to such violation or to deposit the ticket with the amount designated on the ticket as a fine for the particular offense in one of the several parking citation courtesy boxes located throughout the City.
 - 1. Each owner or operator may, within 3 days of the time of such notice was attached to the vehicle or within 10 days after notice is mailed, pay at the Parking Office or through the parking citation courtesy boxes or online via the Parking Office's website, a penalty

of \$25.00 for the first violation cited and \$25.00 for each subsequent violation cited at the same location, except that meter violations shall be cited at \$10.00 and overtime parking violations shall be cited at \$15.00, except an automobile renting and leasing agency shall have 3 days from the time they receive notice from the Parking Office of the offense to make payment at the rate of \$10.00 for meter violations cited and \$15.00 for overtime parking violations cited and if payment is not made within said 3-day period, then the lessor shall pay at the rates prescribed herein the same as the operator or owner would be required to do if the vehicle were not leased or rented; the foregoing provisions on automobile renting and leasing agencies shall not relieve the operator of such vehicle from all other provisions of this Chapter or from arrest and citation before the District Court.

2. In the event any such penalties are not paid by 5:00 p.m. on the 30th day following the offense, the owner or operator shall then pay an additional \$10.00 for each offense. In addition, if payment is not made within said required period, the owner or operator, or an officer of a corporation owning such rented or leased vehicle, or any owner of such rented or leased vehicle shall be subject to arrest and/or citation before the Linn County District Court, and to the misdemeanor penalties, plus court costs, provided for violations of the provisions of this Chapter. The total penalties for all offenses at one parking space in one calendar day by the same person shall not exceed the maximum misdemeanor penalty of a fine not exceeding \$625.00 or imprisonment not exceeding 30 days.
- (c) The penalty for an owner or operator violating Section 61.095 Snow Routes and Section 61.095A Residential Snow Emergency Alternate Side Parking shall be \$25.00. The penalty for an owner or operator violating Sections 61.087 Parallel Parking at Curb, 61.088 Angle Parking, 61.090 Stopping, Standing, or Parking Prohibited, 61.090B Fire Lanes, 61.092 Theaters, Hotels, and Auditoriums, 61.096 Parking Large Vehicles, 61.097 Parking of Livestock or Poultry Trucks, 61.098 Limitations on Parking, 61.100 Unauthorized Signs for Loading Spaces, 61.101 Parking in Alleys, 61.102 Using Streets for Storage, 61.103 Removing Vehicles from Streets, and 61.104 Taxicab Stands shall be \$25.00. For violating 61.134 Handicapped Parking Spaces, the owner or operator shall pay a penalty of \$100.00.
 - (d) The various locations of the parking citation courtesy boxes shall be established by the Council's Designee and said locations may be changed from time to time by notification to the public by the Parking Office.
 - (e) The Council's Designee shall designate the location or locations of the Parking Office and its operating hours; such location or locations and operating hours may be changed from time to time as announced by the Council's Designee.
 - (f) **Parking Violation Administrative Review Panel.**
 1. A Parking Violation Administrative Review Panel shall be established to hear all requests for appeals of on- and off-street public parking tickets issued for violations of Sections 61.087, 61.088, 61.090, 61.092, 61.098, 61.100, 61.101, 61.104, 61.105, 61.106, 61.107, and 61.134.
 2. The Administrative Review Panel hereby established shall have 3 members appointed by the Mayor with the advice and consent of the City Council. Two members shall be recommended for appointment by the Council's Designee and will each serve three (3) year terms. The third member shall be the Chief of Police or designee. The Administrative Review Panel will meet at least once monthly to adjudicate appeals made by motor vehicle operators. All appeals must be filed with the Parking Office within 10 days of receipt of a ticket. The Administrative Review Panel will render a decision

and notify the motor vehicle operator accordingly. If the person disagrees with the decision, they may appeal to the courts as provided by law. The specific operating rules and procedures of the Administrative Review Panel shall be established by resolution of the City Council.

61.111 COLLECTION OF PARKING RECEIPTS.

- (a) The City Council's Designee shall designate some individual or individuals to collect the coins deposited in parking meters. In collecting such coins, the person so designated shall remove the coins from each parking meter into a locked coin collection can and deliver the same with lock unbroken to the City Treasurer. The City Treasurer shall count the coins so delivered, keep a complete record and accounting of the amount collected, and deposit same to the credit of the city in one or more of the Cedar Rapids banks approved by the City Council.
- (b) The City Council's Designee shall designate some individual or individuals to collect the money deposited in parking violation courtesy boxes. In collecting such money, the person so designated shall remove the money from each parking violation courtesy box into a sealed collection container and deliver the same to the Parking Violations Office. The Parking Violations Office personnel shall count the money so delivered, shall keep a complete record and accounting of the money collected. The designated individual or individuals shall deliver said money to the City Treasurer for records and accounting, and deposit same to the credit of the City in one or more of the Cedar Rapids banks approved by the City Council.

61.112 EFFECT OF METER REGULATIONS.

The parking meter provisions of this Chapter shall be construed as a supplement to other provisions of this Chapter regulating traffic, parking, and use of the streets. Any other provisions restricting or prohibiting parking independent of time limits shall not be affected by the parking meter regulations.

61.113 HORNS AND WARNING DEVICES.

Every motor vehicle when operated upon a street shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or whistle. The driver of a motor vehicle shall, when reasonably necessary to insure safe operation, give audible warning with their horn but shall not otherwise use such horn when upon a street.

61.114 UNNECESSARY NOISE IN SIGNALING.

No person shall make or cause to be made any unnecessary noise with the bell, horn, or signaling device of any vehicle on a street or any other place or use the same except as a warning of danger, and loud signaling devices shall not be used during the period of from one hour after sunset to one hour before sunrise, unless necessary to avoid accidents.

61.115 SIRENS AND BELLS PROHIBITED.

No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section. It is permissible, but not required, that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Iowa Department of Transportation, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when necessary to warn pedestrians and other drivers of the approach thereof.

61.116 SELLING OR OFFERING UNSAFE VEHICLES.

No person shall have for sale, sell, or offer for sale any motor vehicle, trailer, or semi-trailer which is in such unsafe condition as to endanger any person or which does not contain those parts or is not at all times equipped with such lamps and brakes and other equipment in proper condition and adjustment, as required by law or this Chapter or which is equipped in any manner in violation of law or this Chapter.

61.117 LAMPS ON PARKED VEHICLES.

No lights need to be displayed upon any vehicles when stopped or parked in accordance with the local parking regulations upon a street where there is sufficient light to reveal any person or object within a distance of 500 feet upon such street.

61.118 EQUIPMENT ON VEHICLES.

No person shall drive or move, nor shall the owner cause or knowingly permit to be driven or moved on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps or other equipment in proper condition and adjustment as required by the traffic laws of the State of Iowa, or this Chapter, or which is equipped in violation of the traffic laws of the State of Iowa, or this Chapter.

61.119 FAULTY EQUIPMENT NOTICES.

- (a) The police officers of the City may issue faulty equipment notices for illegal or defective equipment which may exist or be used on a motor vehicle in violation of this Chapter.
- (b) The faulty equipment notice shall be of a type and form as prescribed by the Chief of Police and the police officer shall indicate thereon the defective or illegal equipment. The notice shall direct that the defective or illegal equipment shall be corrected and a written statement as provided by the Police Department verifying the correction shall be forwarded to the police headquarters within 72 hours.

- (c) If the necessary corrections are not made within 72 hours or the Police Department is not notified as required, the appropriate charge of a misdemeanor shall be filed as authorized by this Code.
- (d) It is the intention of the City Council that this section shall not supersede any other provision of this Chapter relating to equipment required on a motor vehicle. If a police officer in their discretion should determine that a charge should be filed for violation of any provision of this Chapter without giving a faulty equipment notice, the police officer is hereby authorized to do so.

61.120 SIZE, WEIGHT, AND LOAD.

- (a) No person shall drive nor shall the owner cause or knowingly permit to be driven or moved on any street any vehicle or vehicles of a size or weight exceeding the limitations stated in Chapter 321 of the Code of Iowa.
- (b) No person shall drive nor shall the owner permit to be driven on any street any vehicle which unladen or with load exceeds 13½ feet in height.
- (c) **Exceptions.** The provisions of this Chapter and of Chapter 321 of the Code of Iowa governing size, weight, and load shall not apply to fire apparatus, road machinery, or to implements of husbandry temporarily moved upon a street or to implements moved between the dealer and farm purchaser within a 25-mile radius of their place of business where the transaction was made except on any part of the interstate highway system, or to a vehicle operating under the terms of a special permit issued as provided in Section 321.467 of the Code of Iowa.

61.121 WEIGHING VEHICLES IN TRANSIT.

The Police Department may stop any vehicle loaded with any commodity and compel the person having charge of the same to bring the load to a scale designated by the department, and have the same weighed for the purpose of determining the weight of the load being carried.

61.122 (Repealed by Ordinance No. 31-74)

61.123 ROUTES FOR HEAVILY LADEN VEHICLES.

- (a) Every motor vehicle weighing 10 tons or more, when loaded or empty, and every semi-truck having no fixed terminal within the City or making no scheduled or definite stops within the City for purposes of loading or unloading, shall travel over or upon the following streets within the City and none other except as hereafter provided:

All designated freeways, expressways, U.S. and state highways.

5th-8th Avenue SW connection from I-380 to "H" Street SW.

6th Street SW from the South City Limits to and including the intersection of 1st Avenue West.

7TH Street NE/SE from I-380 to 8th Avenue SE.

8th Avenue from the 5th-8th Avenue SW connection at “H” Street SW to the intersection of 8th Avenue, 10th Street, and Mt. Vernon Road SE.
 8th Street NE/SE from I-380 to 8th Avenue SE
 10th Street SE from the intersection of Mt. Vernon Road and 8th Avenue SE to and including intersection with 1st Avenue East.
 15th Avenue SW from 6th Street to 16th Avenue.
 16th Avenue SW from 6th Street to the West City Limits.
 33rd Avenue SW from 6th Street SW to I-380.
 Edgewood Road SW from 16th Avenue to U.S. Highway 30.
 Mt. Vernon Road SE from the East City Limits of the city to and including the intersection of 10th Street and 8th Avenue SE.
 Wiley Boulevard SW from 16th Avenue to U.S. Highway 151 (Williams Boulevard).

- (b) Every motor vehicle weighing 10 tons or more, when loaded or empty, and every semi-truck having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route except as hereafter provided. Nothing herein contained, however, shall prohibit the parking of a motor vehicle on any other street for the purpose of making emergency repairs.
- (c) Every motor vehicle weighing 10 tons or more, when loaded or empty, except semi-trucks unless in compliance with subsection (b) hereof, making a scheduled or definite stop within the City for the purpose of loading or unloading may use the following designated route:

Edgewood Road from the northerly corporate limits to and including the intersection of 16th Avenue SW

- (d) The City Council may, when deemed necessary, by resolution, impose limitations as to the weight of trucks or other commercial vehicles on designated streets or highways under the Council’s jurisdiction. Such limitations shall be designated by appropriate signs placed on such streets or highways. Any violation of the terms of a resolution shall subject the violator to penalties for violation of law as provided in this Code.

61.124 OFFENSES BY OWNERS.

- (a) The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this Chapter.
- (b) Where any vehicle is parked in violation of any provision of this Chapter it shall be presumed that the owner of the vehicle parked the vehicle at such place.

61.125 NOTICE TO APPEAR – PROMISE TO APPEAR.

- (a) Whenever a police officer has reasonable cause to believe that a person has violated a provision of this Chapter, except for those traffic offenses which must be charged upon a uniform citation and complaint as provided in Section 805.6 of the Supplement to the Code of Iowa 1977, Iowa Code of Criminal Procedure, such officer may:
 - 1. Immediately arrest such person and take the person before a magistrate; or

2. Without arresting the person either:

- (i) Prepare a written citation to appear in court containing the name and address of such person, the operator or chauffeur license number, if any, the registration number, if any, of the person's vehicle, the offense charged and the time when and place where such person shall appear in court; or
 - (ii) Prepare a memorandum of the alleged traffic violation containing the name and address of such person, the registration number if any, of the person's vehicle, the offense alleged to have been committed, and such other information as may be prescribed by the Iowa Commissioner of Public Safety with the concurrence of the Director of the State Department of Transportation.
- (b) If the officer prepared either a citation or a memorandum as provided in this section, the alleged offender shall be requested to sign it. If the person signs, the person may be released without arrest. In case a citation is issued, the signing shall constitute a written promise to appear as stated in the citation. A copy of the citation shall be presented to the person named therein. If a memorandum is prepared, the original shall be retained by the officer, and a copy shall be sent to the State Department of Transportation, and a copy shall be presented to the person named therein.
- (c) No person shall willfully violate a citation to appear in court given as provided in this Chapter regardless of the disposition of the charge upon which the person was cited. An appearance in response to such citation may be made either in person or by counsel.

61.126 PENALTIES.

Any person who violates any provision of this Chapter for which another penalty is not provided upon conviction shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days.

61.127 BUS STOPS.

- (a) The City Traffic Engineer is hereby authorized to establish and designate bus stops in the City.
- (b) After appropriate signs have been posted and/or markings made designating such stops, thereafter all parking shall be prohibited therein.
- (c) Any person parking a vehicle in a bus stop in violation hereof shall be guilty of a misdemeanor.

61.128 PARADES.

No association, company, society, order, exhibition, or aggregation of persons shall parade or march upon the streets of the City without first obtaining a permit to do so. Such permits are to be issued by the Mayor, with the approval of the City Council. The permit shall state the time, manner, and condition of such parade or march. Applications for such permits shall be filed with the City Clerk at least 10 days prior to the proposed date of such parade or march.

61.130 OPERATION OF VEHICLE ON SIDEWALKS PROHIBITED.

No person shall drive or operate any vehicle upon a public sidewalk, except while traversing an alley, private road, or driveway, or except while engaged in the cleaning, maintenance, or repair of such public sidewalk. This provision is not intended to permit bicycles on sidewalks otherwise prohibited by ordinance.

61.131 PROHIBITED TURNS AT INTERSECTIONS.

Left or right turns or both shall be prohibited or regulated at such intersections and during such time periods as specified by resolution of the City Council.

61.132 LOAD LIMITS ON CERTAIN BRIDGES.

- (a) No person shall drive, tow, or otherwise cause to be moved either any vehicle weighing in excess of 5 tons, including the load being carried thereon, or any vehicle with license registration weight in excess of 5 tons, upon, over, or across the "E" Avenue NW Bridge, being the structure located across the Vinton Ditch on that portion of "E" Avenue, NW between 23rd Street NW and 24th Street NW; and the River Road SW Bridge, being the structure across the creek crossing River Road SW 2 miles ± east of Ely Road SW
- (b) No person shall drive, tow, or otherwise cause to be moved either any vehicle weighing in excess of 18 tons, including the load being carried thereon, or any vehicle with a license registration weight in excess of 18 tons, upon, over, or across the 35th Street Drive SE Bridge, being the structure located over the C. M. St. P. & P. Railroad between 1st Avenue East and 2nd Avenue SE
- (c) That vehicles owned and operated by the federal government, agencies of the State of Iowa, the County of Linn, the City of Cedar Rapids, and boards and commissions of the City of Cedar Rapids, Iowa, are herewith excluded from the above weight restrictions.
- (d) That the Traffic Engineering Department shall post the appropriate signs on each side of the aforementioned bridges informing the public of the aforesated restrictions, and upon posting such signs the regulations as stated above shall be effective.

61.133 WINDSHIELDS AND WINDOWS.

No person shall drive any motor vehicle equipped with a windshield, sidewings, or side or rear windows which do not permit clear vision, except motor vehicles equipped with a side mirror so located that the view to the rear will not be obstructed for a distance of at least 200 feet on such motor vehicles so loaded, or towing another vehicle in such manner as to obstruct the view in a rear view mirror located in the driver's compartment.

61.134 HANDICAPPED PARKING PLACES.

- (a) The City Traffic Engineer or designee is authorized to determine the location of handicapped parking places on public property and shall place and maintain appropriate signs indicating them. In making this determination the City Traffic Engineer or designee shall consider the following standards:
 - 1. The provisions of Chapter 601E of the Code of Iowa as amended;
 - 2. Whether the area is within the congested traffic area as declared in Section 61.105 of this Code;
 - 3. The size and use of nearby buildings or other facilities; and
 - 4. The distance from the handicapped parking place to nearby buildings. The City Traffic Engineer or designee shall make reasonable efforts to provide the minimal distance available.
- (b) **Hours of Operation.** The provisions of this section apply 24 hours each day to vehicles parked or standing upon the streets of the city where appropriate signs are posted upon the direction of the City Traffic Engineer or designee in the manner provided herein.
- (c) Handicapped parking spaces on private property shall be designated by signs or other markings and installed as prescribed in the current "Manual on Uniform Traffic Control Devices" as adopted by the Iowa Department of Transportation. Such handicapped signs and markings shall be erected and maintained by the owner, lessee, or other person in charge of said private property.
- (d) No vehicle shall be stopped or parked in any space designated as a handicapped parking space on public or private property unless said vehicle is to accommodate a handicapped person while in that parking space and there is a handicapped license plate or sticker attached to the vehicle or a handicapped identification hanging device (issued by the State of Iowa or a similar identification device validly issued by another state, county, city or by the federal government) either hanging from the rearview mirror or displayed on the dashboard of the vehicle if there is no rearview mirror so that it can be read through the windshield from the outside of the vehicle. A violation of this provision shall constitute an offense on the part of the owner or owners of the vehicle.

61.134A "FILM-IT" PROGRAM.

- (a) The City Council's Designee , with guidance from the Accessible Parking Review Committee, is authorized and directed to establish a program whereby volunteers are utilized to survey streets and parking lots in the City for the purpose of photographing motor vehicles parked in violation of the provisions of Section 61.134 of this Code.
- (b) This program shall include, but not be limited to: the issuance of identification cards to such volunteers with names and pictures affixed thereto to be used in the event that identification from any such volunteer is required; schedules to allow for the placement of volunteers in various areas of the City on different days on a rotating basis so as not to leave areas unpatrolled or duplicated; and a system of providing violator information to the City Council's Designee Parking Violations Office, which will then issue citations based upon such information.

- (c) The City Council's Designee , with guidance from the Accessible Parking Review Committee, shall promulgate and issue such rules and regulations as shall be deemed necessary to implement the provisions of this Chapter.
- (d) The provisions of this section shall be in addition to all other enforcement provisions of this code.

61.135 SEAT BELTS AND SAFETY HARNESSSES.

- (a) The driver and front seat occupants of all motor vehicles subject to registration under the law of Iowa, except a motorcycle or motorbicycle, shall each wear a properly adjusted and fastened safety belt or safety harness any time the vehicle is in forward motion on a street or highway unless exempted by the provisions of Section 321.445 of the Iowa Code. The driver and front seat occupants may be each charged separately for the improper use or non-use of the safety belts or safety harness.
- (b) The operator of a motor vehicle subject to the provisions of Section 61.135(a) may be charged for the violations of front seat occupants from the age of 6 through the age of seventeen.

61.136 CHILD RESTRAINT DEVICES.

- (a) A child under 3 years of age who is being transported in a motor vehicle subject to registration which has a gross weight of 10,000 pounds or less as specified by the manufacturer, except a school bus or motorcycle, shall be secured during transit by a child restraint system which meets federal motor vehicle safety standards and the system shall be used in accordance with the manufacturer's instructions.
- (b) A child at least 3 years of age but under 6 years of age who is being transported in a motor vehicle subject to registration which has a gross weight of 10,000 pounds or less as specified by the manufacturer, except a school bus or motorcycle, shall be secured during transit by either a child restraint system that meets federal motor vehicle safety standards and is used in accordance with the manufacturer's instructions, or by a safety belt or safety harness of a type approved under Section 321.445 of the Iowa Code.
- (c) This section does not apply to peace officers acting on official duty. This section also does not apply to the transportation of children in 1965 model year or older vehicles or authorized emergency vehicles. This section does not apply to the transportation of a child who has been certified by a physician licensed under Chapter 148, 150, or 150A of the Iowa Code as having a medical, physical, or mental condition which prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.
- (d) The operator of a motor vehicle which is subject to the provisions of subsections (a) and (b) is responsible for seeing that children under 6 years of age are transported in accordance with subsections (a) and (b) and is guilty of a simple misdemeanor for a violation of those subsections.
- (e) A person who is first charged for a violation of subsection (a) and who has not purchased or otherwise acquired a child restraint system shall not be convicted if the person produces in court, within a reasonable time, proof that the person has purchased or otherwise acquired a child restraint system which meets federal motor vehicle safety standards.

61.137 TOWING AND IMPOUNDMENT FOR ACCUMULATED PARKING VIOLATIONS.

- (a) Any vehicle which has accumulated 5 or more unpaid tickets under any section of this Code which regulate the stopping, standing, or parking of vehicles may be towed and impounded as provided herein.
- (b) No vehicle shall be towed and impounded unless such vehicle is on a public street or in a public parking lot and is in violation of a section of this Code which regulates the stopping, standing, or parking of vehicles.
- (c) **Preseizure Notice and Hearing.**
 - 1. Towing and impoundment shall occur only after notice and opportunity for an administrative hearing is offered to the registered owner of such motor vehicle and all lienholders of record shown on the vehicle's certificate of title. Notice shall be sent via certified mail to the registered owner at the address shown on the owner's vehicle registration and to any lienholder at the address shown on the vehicle's certificate of title. The notice shall state the license number of the vehicle at issue, a brief description of the tickets issued to such vehicle, that there is a right to request an administrative hearing before towing and impoundment provided such request is made within 10 calendar days of the mailing date of the notice, that failure to request a hearing within 10 calendar days or failure to appear for a requested hearing waives the opportunity for hearing, and that the registered owner shall be responsible for all charges and costs incurred and any fine imposed for towing and impoundment of the vehicle in addition to charges for unpaid tickets.
 - 2. A preseizure hearing held pursuant to a request shall be conducted before the Council's Designee and shall be limited to whether the vehicle is subject to towing and impounding for unpaid tickets under subsection (a) of this section.
 - 3. If after the preseizure hearing the Council's Designee determines that the vehicle is subject to towing and impounding, the CityCouncil's Designee shall notify the registered owner of such decision either orally at the conclusion of the hearing or by letter. Written notice need not be given if the registered owner fails to appear for the hearing.
- (d) **Notice of Impoundment.** When a vehicle has been impounded pursuant to this section, a notice of impoundment shall be sent via certified mail to the registered owner at the address shown on the owner's vehicle registration and to any lienholder at the address shown on the vehicle's certificate of title within 72 hours of the impoundment, excluding Saturdays, Sundays, and holidays. Notice of impoundment personally presented within said period to the registered owner, lienholder, or other person entitled to possession shall satisfy the mailing requirement.
- (e) **Post-Seizure Hearing.**
 - 1. The registered owner, lienholder of record, or other person entitled to possession of a vehicle impounded pursuant to this section may request a post-seizure hearing by filing a written request with the Parking Violations Office within 21 calendar days after impoundment. Failure to file a written request within 21 calendar days after impoundment shall waive the right to a post-seizure hearing.
 - 2. The post-seizure hearing shall be held before the Council's Designee within a reasonable period of time, but not to exceed 20 calendar days, from the date of receipt of the written request.

3. The Council's Designee shall consider all relevant information offered by witnesses, including the person challenging the impoundment, and shall set forth findings as to the objection and grounds for challenge.
4. The sole issue before the Council's Designee shall be whether the vehicle was subject to towing and impounding for unpaid tickets under subsection (a) of this section. The department causing the vehicle to be impounded shall carry the burden of establishing that the vehicle was subject to towing and impounding. The Council's Designee shall decide only that either (a) the vehicle was subject to towing and impounding or (b) the vehicle was not subject to towing and impounding.
5. In the event the Council's Designee determines the vehicle was subject to towing and impounding, the registered owner, lien holder of record, or other person entitled to possession of the vehicle is responsible for payment of all charges attributable to the impoundment and storage of the vehicle in addition to charges for unpaid tickets. If the Council's Designee determines the vehicle was not subject to towing and impounding and the vehicle was not redeemed prior to the hearing, the Council's Designee shall prepare a vehicle release form stating that the vehicle was not subject to towing and impounding and all costs of towing and impoundment accruing through the 4th calendar day after the Council's Designee's decision shall be paid by the city. All costs accruing after the 4th calendar day after the Council's Designee's decision shall be paid by the person challenging the towing or impoundment prior to the vehicle's release from impoundment. If the Council Designee determines the vehicle was not subject to towing and impounding and the vehicle was redeemed prior to the hearing, the bond filed or charges paid shall be refunded.
6. If the owner, lienholder, or other person entitled to possession of the vehicle does not appear for the hearing, the hearing shall be held in the owner's, lienholder's, or other person's absence and the Council's Designee shall determine whether the vehicle was subject to towing and impoundment.

(f) Right of Owner to Redeem Impounded Vehicle.

1. The registered owner or person having legal entitlement to possession of a vehicle impounded pursuant to this section may redeem the impounded vehicle prior to the post-seizure hearing by:
 - A. Paying all delinquent parking tickets; and
 - B. Presenting the City's towing service with a vehicle release form and paying the towing service for all costs of towing and impoundment.
2. If a hearing pursuant to subsection (e) of this section was held and the Council's Designee determined there was probable cause to impound the vehicle, the registered owner or person having legal entitlement to the impounded vehicle may redeem the vehicle by fulfilling the requirements set forth in subsection (f)(1) above.
3. If a hearing pursuant to subsection (e) of this section was held and the Council's Designee determined that the vehicle was not subject to towing and impounding, the registered owner or person having legal entitlement to the impounded vehicle may redeem the vehicle by presenting the towing service with the vehicle release form stating that the vehicle was not subject to towing and impounding.

(g) Forfeiture.

1. The registered owner or other person entitled to possession of an impounded vehicle shall reclaim the vehicle within 21 calendar days after:
 - A. The notice of impoundment is mailed unless the owner or other person entitled to possession of the impounded vehicle requests a post-seizure hearing pursuant to subsection (e) of this section;
 - B. The receipt of a decision from a hearing held pursuant to subsection (e) of this section; or
 - C. Receipt of a vehicle release form from the city.
 2. If the registered owner or other person entitled to possession of the impounded vehicle does not exercise the right to reclaim an impounded vehicle within the 21 calendar day reclaiming period, such person will be deemed to have waived any right, title, claim, or interest in or to the vehicle and the unclaimed vehicle shall be deemed an abandoned vehicle and be subject to the provisions of Section 61.103 of this Chapter regarding the disposition of abandoned vehicles.
 3. Prior to the expiration of the 21 calendar day reclaiming period, the registered owner or other person entitled to possession of the impounded vehicle may obtain an additional period of up to 14 calendar days to reclaim the vehicle upon written request and payment of additional storage charges.
- (h) **Administrative Fee for Towing.** In addition to any penalty provided by law, the City may impose an administrative fee for each instance of towing pursuant to this section. The fee imposed shall be in an amount set by the City Manager, and must be paid prior to the vehicle being released from the City's custody.

61.137A CIVIL SEIZURE AND IMPOUNDMENT OF MOTOR VEHICLES.

- (a) **Statement of Public Policy:** It is the policy of the City of Cedar Rapids that motor vehicles used in connection with certain conduct shall be subject to civil seizure and impoundment in accordance with the procedures set forth herein, so as to deter the use of vehicles as specified herein.
- (b) **Definitions** – for purposes of this section:
1. "Controlled substances" shall mean any substance as defined and included in Sections 124.204, 124.206, 124.208, 124.210, or 124.212 of the Iowa Code (2008 and as amended hereafter).
 2. "Drug paraphernalia" shall mean any equipment, products and materials as defined in Section 124.414 of the Iowa Code (2008 and as amended hereafter).
 3. "Driving on a suspended, revoked or barred license" shall mean any offense as defined in Sections 321.218, 321.561, 321A.32, or 321J.21 of the Iowa Code (2008 and as amended hereafter).
 4. "Driving under the influence of alcohol or drugs" shall mean any offense as defined in Chapter 321J of the Iowa Code (2008 and as amended hereafter).
 5. "Eluding or attempting to elude a police officer" shall mean any offense as defined in Section 321.279 of the Iowa Code (2008 and as amended hereafter).

6. "Leaving the scene of a personal injury or property damage accident" shall mean any offense as defined in Sections 321.261, 321.262, 321.263, 321.264, or 321.265 of the Iowa Code (2008 and as amended hereafter).
 7. "Failure to prove security against liability" (sometimes referred to as "no insurance") shall mean any offense as defined in Section 321.20B of the Iowa Code (2008 and as amended hereafter).
 8. "Weapons offense" shall mean any offense as defined in Sections 724.3, 724.4, 724.4A, 724.4B, 724.16A, 724.22, 724.26, 724.29, or 724.30 of the Iowa Code (2008 and as amended hereafter).
 9. "Intimidation with a dangerous weapon" shall mean any offense as defined in Section 708.6 of the Iowa code (2008 and as amended hereafter).
- (c) **Vehicles Subject to Seizure and Impoundment:** Use of a motor vehicle in any manner specified in this sub-section shall subject the motor vehicle to seizure, impoundment and penalty in accordance with this section. The owner of such vehicle shall be liable to the City for a civil penalty of \$500.00, and for any and all fees for towing and storage of said vehicle.
1. Using a motor vehicle while in possession of and/or delivering controlled substances and/or drug paraphernalia.
 2. Operating a motor vehicle on a suspended, revoked, or barred license.
 3. Operating a motor vehicle under the influence of alcohol or drugs.
 4. Using a motor vehicle while eluding or attempting to elude a police officer.
 5. Using a motor vehicle in connection with any offense described in Iowa Code sections 321.261 through and including 321.265 (2008 and as amended hereafter), whether or not the subject vehicle is actually used to leave the scene.
 6. Using a motor vehicle while committing a weapons offense.
 7. Operating a motor vehicle without proof of security against liability, provided, however, that if a vehicle is impounded solely on this basis, the owner of the impounded vehicle shall not be liable for the \$500.00 civil penalty if it is the first impoundment of the vehicle for that reason and the owner of the impounded vehicle produces proof of the owner's security against liability in effect at the time of the impoundment.
 8. Using a motor vehicle while committing the offense of intimidation with a dangerous weapon.
 9. Being found in possession of a drug or device limited to dispensation by prescription, as provided by Iowa Code section 155A.21, unless the drug or device was so lawfully dispensed within the meaning of Iowa Code chapter 155A (2009 and as amended from time to time).
- (d) **Towing: Notice of Right to Preliminary Hearing:** Whenever a police officer has probable cause to believe a vehicle is subject to seizure and impoundment pursuant to this section, the officer shall provide for the towing of the vehicle to a facility controlled by the City or its agent(s). When the vehicle is towed, the police officer shall determine who, if anyone, was in control of the vehicle at the time of the events giving rise to probable cause, and then notify that person that the vehicle is being seized and that the owner or any lien holder has a right

to a preliminary hearing on whether probable cause existed for said seizure by making a request as hereafter provided.

- (e) **Preliminary Hearing- Request; Notice; Conduct and Outcome:** The owner of a vehicle seized pursuant to this section is entitled to a preliminary hearing on whether probable cause existed for the seizure if within 24 hours of the seizure, the Cedar Rapids Police Department receives from the owner a written request for preliminary hearing. Said request shall include a phone number at which the owner is to be contacted regarding the preliminary hearing. Upon timely receipt of a written request for a preliminary hearing, the Cedar Rapids Police Department shall ensure that a hearing officer, designated by the City Council, conducts a preliminary hearing on whether probable cause existed for the seizure of the vehicle. The preliminary hearing shall be scheduled for a time no sooner than 24 hours and no later than 72 hours after the request for hearing is received. Notice of the scheduled preliminary hearing date, time, and location shall be provided by telephone and a written confirmation no less than 12 hours prior to the start of the hearing.

1. At the preliminary hearing, if any, all interested parties shall be given a reasonable opportunity to be heard. Formal rules of evidence shall not apply at the hearing, and hearsay evidence shall be admissible.
2. If, after the hearing, the hearing officer determines no probable cause existed at the time of the seizure to believe the vehicle was used as specified in subsection (c) of this section, then the hearing officer shall find there was no probable cause for the seizure of the vehicle and the vehicle will be returned without penalty or other fees due from the owner. If, after the hearing, the hearing officer determines there was probable cause for seizure of the vehicle, then the hearing officer shall order the continued impoundment of the vehicle as provided in this section, provided, however, the vehicle may be released as hereinafter provided if the record owner of the vehicle posts with the City a cash bond in the amount of \$500.00 plus the amount of fees for towing and storage of the vehicle.

- (f) **Final Hearing- Notice; Request; Conduct and Outcome:**

1. Within 20 days after a vehicle is seized and impounded pursuant to this section, the Cedar Rapids Police Department or its agent shall provide to the vehicle's owner and any lienholder of record written notice of the right to request a final hearing before the hearing officer to determine whether the subject vehicle was in fact used as specified in subsection c. of this section. Said notice shall be sent by certified mail, return receipt requested, to the owner's and any lien holders' last known address(es) as shown on the vehicle's registration. Alternatively, the requirement for notice under this paragraph may be satisfied if said notice is personally served within 20 days after the vehicle has been seized, and either an Affidavit of Service is prepared or written acknowledgement is obtained from the party served. The notice provided for by this paragraph shall state the penalties that may be imposed if no hearing is requested, including the fact that a vehicle not released as hereinafter provided may be sold or disposed of by the City in accordance with applicable law.
2. The owner of a vehicle seized pursuant to this section, or a record lienholder thereof, is entitled to a final hearing if within 10 days from the date the notice under this paragraph was sent by certified mail or otherwise served, the Cedar Rapids Police Department receives from the owner or lienholder a written request for final hearing. Said request shall include the address at which the owner or lien holder is to be contacted regarding the final hearing. Unless continued by order of the hearing officer, the hearing shall be scheduled and held within 30 days after the request for a hearing is received. Notice of the scheduled final hearing date and location shall be served by regular mail sent no

later than 10 days prior to the date of the hearing to the address shown in the request for final hearing.

3. At the final hearing, if any, all interested parties shall be given a reasonable opportunity to be heard. Formal rules of evidence shall not apply at the hearing, and hearsay evidence shall be admissible. If, after the final hearing, the hearing officer determines the vehicle was not used as specified in subsection (c) of this section, then the hearing officer shall order the return of the subject vehicle, cancellation of the cash bond and no further imposition of any fine, fees, or charges. Any fees or charges other than the fine which have accrued up to and including such determination by the hearing officer, however, shall remain due and owing. If, after the hearing, the hearing officer determines by a preponderance of the evidence that the vehicle was used as specified in subsection (c) of this section, then the hearing officer shall enter an order requiring the vehicle to continue to be impounded until the owner pays a penalty of \$500.00, plus fees and charges accrued for towing and storage of the vehicle. Irrespective of the outcome of the final hearing, the vehicle and all interested parties' rights thereto shall be subject to all procedures set forth in this section concerning the claiming and release of impounded vehicles, disposal of unclaimed vehicles, fees and charges and exceptions to this section.
 4. Notwithstanding any other provision of this section, whenever the record holder of a lien on a vehicle impounded under this section has commenced foreclosure proceedings, possession of the vehicle shall be delivered to that lienholder if said lienholder provides written indemnification to the City for any and all claims arising out of the seizure, impoundment, and possession of the vehicle pursuant to this law, including but not limited to all penalties and fees imposed.
- (g) **Hearing Officer:** The hearing officer referred to in this section shall not be an employee of the City.
- (h) **Procedure for Claiming Vehicles Eligible for Release:** In the event a vehicle seized pursuant to this section is eligible to be released, the party claiming the vehicle shall present all of the following to the City or its agent in possession of the vehicle:
1. Certificate of Title or Bill of Sale coupled with valid official form of identification for the person claiming the vehicle.
 2. Proof of Security Against Liability (Insurance) for the vehicle claimed, in effect as of the date the vehicle is to be released from impoundment.
 3. If the vehicle is to be driven away from the impounding facility, a valid driver's license for the person who will drive the vehicle.
 4. Documentation in a form acceptable to the impounding facility and the Cedar Rapids Police Department that any and all penalties, fines, fees, and charges due under this section have been paid to the City, the towing company and the impounding facility.

Notwithstanding the foregoing, with respect to vehicles impounded solely on the basis of a failure to prove security against liability (a no insurance violation), proof of payment of the \$500.00 civil penalty shall not be required if the impoundment is the first such impoundment of the vehicle on that basis and the vehicle owner produces proof of the owner's security against liability in effect at the time of the impoundment.

- (i) **Disposal of Unclaimed or Abandoned Vehicles:** Any motor vehicle impounded pursuant to this section may be disposed of as provided by applicable law concerning unclaimed vehicles, but only upon expiration of 30 days after one of the following has occurred:

1. The hearing officer issues an order after a preliminary hearing finding that no probable cause existed for seizure and impoundment under this section.
 2. The hearing officer issues an order after a final hearing finding either that the owner must pay the fine, fees, and charges or that the vehicle is no longer subject to impoundment.
 3. The vehicle has not been properly claimed by or on behalf of the owner, lien holder or other claimant following proper notice, given in accordance with Section 61.103, of the right to claim the vehicle pursuant to this section.
 4. Possession of the vehicle is transferred to a lienholder based on the commencement of foreclosure proceedings and pursuant to a proper indemnification agreement in favor of the City.
- (j) **Fees for Towing and Storage:** Fees charged by the City for the towing and storage of a vehicle pursuant to this section shall be the same as those charged pursuant to section 61.103 of this Chapter.
- (k) **Exceptions to Seizure and Impoundment:** For the purposes of this section, a vehicle shall not be subject to seizure if either of the following applies:
1. The vehicle in question was stolen at the time the police officer formed probable cause to believe the vehicle was subject to seizure, and the theft was reported to the appropriate law enforcement official promptly after the theft was discovered or reasonably should have been discovered; or
 2. The vehicle was operating as a common carrier, including but not limited to taxicabs or buses, and the violation occurred without the knowledge of the person in control of the vehicle.
- (l) **Calculation of Time:** For purposes of calculating time under this section, holidays and weekends shall be excluded.

61.138 AUTOMATED TRAFFIC ENFORCEMENT.

- (a) **General.** In accordance with its police powers, the City may deploy, erect, or cause to have erected an automated traffic enforcement system for capturing images of motor vehicles that violate traffic laws by failing to obey red light traffic signals at intersections designated by the City Manager or designee or failing to obey speed regulations within the City. The system may be managed by a private contractor that owns and operates the requisite equipment. The police department shall retain supervisory control over the system. The contractor shall provide photographic and/or video images of any potential violations to the police department to review and, in the event the police department determines a vehicle was operated in violation of the city's traffic control ordinances, the police department shall direct that a notice of Automated Traffic Citation be issued to the vehicle owner in accordance with this Section.
- (b) **Definitions.**
1. **Automated Traffic Citation** shall mean a notice of violation generated in connection with the automated traffic enforcement system.

2. **Automated Traffic Enforcement Contractor** shall mean the company or entity, if any, with which the City of Cedar Rapids contracts to provide equipment and/or services in connection with the Automated Traffic Enforcement System.
3. **Automated Traffic Enforcement System** shall mean an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller or police department employee to automatically produce photographs, video, or digital images of each vehicle violating a standard traffic control device or speed restriction.
4. **Vehicle Owner** shall mean the person or entity identified by the Iowa Department of Transportation, or identified by any other state vehicle registration office, as the registered owner of a vehicle detected violating a traffic law by failing to obey red light traffic signals at intersections designated by the City Manager or official designee or failing to obey speed regulations within the City. Notwithstanding the foregoing, in the event the Iowa Department of Transportation or any other state vehicle registration office identifies a person or entity as the lessee of the vehicle, that lessee shall be the vehicle owner for purposes of this section. In the event a state registration office does not specify whether a person or entity listed on the registration for the vehicle is the owner or the lessee of the vehicle, any person or entity listed on that vehicle registration may be deemed the vehicle owner and held jointly and severally responsible for a violation of this section.

(c) **Vehicle Owner Subject to Civil Fine for Automated Traffic Citations.**

1. If a vehicle is detected crossing a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light or arrow, the Vehicle Owner shall be subject to a civil fine as scheduled below in subsection 61.138(d).
2. If a vehicle is detected traveling at a speed above the posted limit, the Vehicle Owner shall be subject to a civil fine as scheduled below in subsection 61.138(d).
3. Exemptions from this section are set forth in subsection 61.138(g), and shall not be considered violations for purposes of the Automated Traffic Enforcement System.
4. In no event will an Automated Traffic Citation be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the Vehicle Owner's driving record.

(d) **Notice of Automated Traffic Citation; Fines.**

1. Upon a Cedar Rapids Police Officer's determination that the Automated Traffic Enforcement System has detected a violation described in subsections 61.138(c)(1) or (2), a notice of an Automated Traffic Citation will be mailed to the Vehicle Owner for each such violation recorded by the Automated Traffic Enforcement System. The Automated Traffic Enforcement Contractor shall mail the notice within 30 days after receiving information about the Vehicle Owner. The notice shall include the name and address of the Vehicle Owner; the vehicle make, if available and readily discernable; the vehicle registration number; the violation alleged; the time, date and location of the alleged violation; the applicable fine; information as to the manner in which the Automated Traffic Citation may be challenged; and that the basis of the notice is a photographic or video record generated by an Automated Traffic Enforcement System.
2. Any violation of subsection 61.138(c)(1) above shall be subject to a civil fine of one hundred dollars.

3. Any violation of subsection 61.138 (c)(2) above shall be subject to a civil fine as scheduled in the table below, and the fine for any violation committed in a designated construction zone (as provided by the Code of Iowa), shall be doubled, as scheduled below, subject in any event to the limit on fines sought in municipal infractions.

Speed over the limit	Civil Fine	If in Construction Zone
1 through 5 MPH	\$25	\$50
6 through 10 MPH	\$50	\$100
11 through 20 MPH	\$75	\$150
21 through 25 MPH	\$100	\$200
25 through 30 MPH	\$250	\$500
Over 30 MPH	\$500	\$750

- (e) **Challenging an Automated Traffic Citation.** Within 30 days from the date appearing at the top of a notice of Automated Traffic Citation sent to the Vehicle Owner, the Vehicle Owner may either pay the fee associated with the citation or challenge the citation by submitting a written challenge to the citation or requesting that a municipal infraction be filed pursuant to Iowa Code §364.22. Any such written challenge or request must be on a form specified by and available from the City as indicated on the notice, and be sent to the City according to the instructions on that form. Upon receipt of a written challenge, a Cedar Rapids Police Officer shall determine whether the citation should be rescinded. Within 30 days after the City receives such a challenge, the City shall notify the Vehicle Owner whether the challenge to the Automated Traffic Citation is successful, in which case, the citation shall be rescinded. Otherwise, the citation shall stand. Thereafter, the City may seek voluntary payment and/or file the citation as a municipal infraction against the Vehicle Owner, all as set forth in subsection (f) hereof.
- (f) **Failure to Timely Pay or Challenge Automated Traffic Citation.** If the recipient of an Automated Traffic Citation does not either pay the fine by the due date stated on the original citation or successfully challenge the citation as provided herein, the City may file a municipal infraction against the Vehicle Owner in accordance with Cedar Rapids Municipal Code §1.12 and §364.22 of the Code of Iowa, seeking judgment for the applicable civil fine provided in subsections 61.138(c) and (d) plus state mandated filing fee and court costs. If judgment is entered for the City in the municipal infraction proceeding, the City may, subject to applicable law, pursue enforcement of the judgment together with interest as permitted by law. Collection of that judgment may include referral to the State of Iowa Income Offset program administered by the Department of Administrative Services, State Accounting Enterprise, or its related successor program established by the State in its sole discretion, from time to time. Notwithstanding the City's right to file a municipal infraction, the City may first seek voluntary payment of the fine by sending a written request for payment to the Vehicle Owner and/or referring the matter to a private service agent to conduct collection in accordance with all applicable law."
- (g) **Exemptions from Section 61.138** The following shall not be considered violations for purposes of the Automated Traffic Enforcement System.
1. The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant to Cedar Rapids Municipal Code Chapter 61 or Chapter 321 of the Code of Iowa).
 2. The violation occurred at any time after the vehicle in question or its state registration plates were reported to a law enforcement agency as having been stolen, provided, however, the vehicle or its plates had not been recovered by the Vehicle Owner at the time of the alleged violation.

3. The vehicle in question was an authorized emergency vehicle.
4. The Cedar Rapids Police Officer inspecting the recorded image determines that the vehicle in question entered the intersection in order to yield the right-of-way to an emergency vehicle.
5. The Cedar Rapids Police Officer inspecting the recorded image determines that the vehicle in question was lawfully participating in a funeral procession.

The foregoing list of exemptions from Section 61.138 shall not be construed as limiting the defenses available to challenge an Automated Traffic Citation or defend a municipal infraction.

61.139 OPENING DOORS INTO MOVING TRAFFIC.

No person shall open any door of a motor vehicle located on a street, highway, or park road without first taking precaution to ensure that this action does not interfere with the movement of traffic or endanger any other person or vehicle. In addition, no person shall leave open any door of a motor vehicle located on a highway for a period of time longer than necessary to load or unload passengers.

61.140 ALL-TERRAIN VEHICLES, OFF-ROAD VEHICLES, SNOWMOBILES, AND GOLF CARTS EXEMPTED

All-Terrain Vehicles, Off-Road Utility Vehicles, Golf Carts, and Snowmobiles are prohibited from operating upon City streets, right-of-ways, and other public property within the corporate limits of the City, except in the following circumstances:

1. The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.
2. Operation of the vehicle by a governmental entity, a political subdivision,—a political subdivision instrumentality, an employee or agent of a political subdivision of the State of Iowa or a public utility in the course of their employment duties.
3. The operation by an employee or agent of a public agency for the purpose of providing emergency services or rescue.
4. Operation of a snowmobile as allowed per Iowa State Code 321G.9.4.a.”

Section 2. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that provision affected by such decision.

Section 3. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Cedar Rapids Municipal Code and made a part of said Code as provided by law.

Section 5. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 27th day of February, 2024.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at meeting: Ken DeKeyser, PE

Description of Agenda Item: ORDINANCES – Second and possible Third Readings
Ordinance repealing Chapter 71 of the Municipal Code, Erosion and Sediment Control for Construction Sites, and enacting a new Chapter 71 in its place to include updated standards and review and enforcement processes for erosion control permits.
CIP/DID #43-17-012

Council Priority: Not applicable
EnvisionCR Element/Goal: ProtectCR Goal 4: Demonstrate best practices in building construction.

Background: The City's Municipal Separate Storm Sewer System (MS4) permit requires the City to regulate, treat, and control stormwater discharges into the City's stormwater drainage system. This includes regulation of erosion and sediment control for construction sites as embodied in Municipal Code Chapter 71. This code update reflects the City's current standards, review and enforcement processes for erosion control permits.

Recommended Action: City staff recommended holding the 2nd and 3rd readings, combined.

Alternative: Separate 2nd and 3rd readings.

Time Sensitivity: Normal (scheduled adoption prior to July 1, 2024 to begin with FY 2025 budget).

Meeting Dates: Proposed timeline as follows:

Public Hearing and 1st reading of Ordinance: February 27, 2024

2nd reading of Ordinance: March 12, 2024

3rd reading of Ordinance: March 12, 2024

Budget Information: N/A

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

ORDINANCE NO. LEG_NUM_TAG

AN ORDINANCE REPEALING CHAPTER 71 OF THE MUNICIPAL CODE,
EROSION AND SEDIMENT CONTROL FOR CONSTRUCTION SITES, AND
ENACTING A NEW CHAPTER 71 IN ITS PLACE TO INCLUDE UPDATED
STANDARDS AND REVIEW AND ENFORCEMENT PROCESSES FOR
EROSION CONTROL PERMITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA,
as follows:

Section 1. Chapter 71 of the Cedar Rapids Municipal Code is hereby repealed and in
its place a new Chapter 71 is enacted as follows:

“CHAPTER 71 – EROSION AND SEDIMENT CONTROL FOR CONSTRUCTION SITES

71.01 – GENERAL PROVISIONS.

- (a) Soil erosion contributes to the impairment of drainageways, increases road and storm sewer maintenance costs, contributes to the destruction and obstruction to traveled roadways creating a potential hazard for vehicular traffic, and contributes to contamination and degradation of land surfaces and streams, flooding, and dusty conditions. This Chapter establishes requirements to control erosion and sediment transport.
- (b) Owners of certain construction sites are required, under rules contained in General Permit No. 2, Storm Water Discharge Associated with Construction Activities ("General Permit No. 2"), to obtain coverage through the Iowa Department of Natural Resources ("Iowa DNR") under that permit.
- (c) Under its Municipal Stormwater National Pollution Discharge Elimination System permit, which permit is on file at the offices of the City Clerk and the City Engineer and is available for public inspection during regular office hours, the City is required to regulate, treat, and control stormwater discharges into the City's stormwater drainage system. One provision of that permit requires the City to enforce the requirements of General Permit No. 2 jointly with the Iowa DNR.
- (d) General Permit No. 2 and the document entitled "Summary Guidance, A Brief Guide to Developing Pollution Prevention Plans and Best Management Practices," issued and administered by the Iowa DNR, are hereby adopted and by reference made part of this section as if fully set forth herein. Any act these documents require or prohibit, is required or prohibited by this section. Any future amendments, revisions, or modifications to these documents, incorporated herein, are intended to be made a part of this section.
- (e) This Chapter also establishes requirements for grading, filling, fill material, and for obtaining erosion control permits. These requirements include use of suitable fill material, stable slope construction, proper site drainage, and usability of public and private easements.
- (f) Except as provided in Section 71.04, Minor Erosion Control Permit Required, no person shall engage in land-disturbing activities within the City unless they have received an erosion control permit from the City.

- (g) For construction activities performed under a National Pollutant Discharge Elimination System (NPDES) permit the city enforces the requirements jointly with the Iowa DNR in the same manner as construction activities performed under a General Permit No. 2. All references to General Permit No. 2 made below also apply to activities conducted under any NPDES General permit.

71.02 – DEFINITIONS.

- (a) Wherever used in this Chapter, the terms listed below will have the meanings indicated. Words using the present tense shall include the future; the singular shall include the plural; the plural shall include the singular; the masculine gender shall include the feminine. The term "shall" is always mandatory, and the term "may" is permissive.
1. **Applicant:** Any individual, firm, corporation, association, or partnership, that has a property interest in, or holds title to, land to undergo land-disturbing activities.
 2. **Certified Professional in Erosion and Sediment Control:** A credentialed specialist in soil erosion and sediment control.
 3. **City:** The City of Cedar Rapids, Iowa.
 4. **City Council:** The City Council of the City of Cedar Rapids, Iowa.
 5. **City Engineer:** The position established by Section 5.09 of the Cedar Rapids Municipal Code.
 6. **City Public Works Official:** City Stormwater Official, or designee.
 7. **City Stormwater Official:** Staff designated to enforce this Chapter.
 8. **Civil Engineer:** A professional engineer licensed in the State of Iowa to practice civil engineering.
 9. **Clearing and grubbing:** Removal of unwanted growth, in the form of trees, wood, shrubs, brush, or stumps on a site.
 10. **Design professional:** A Civil Engineer or Certified Professional in Erosion and Sediment Control.
 11. **Design Standards:** The current engineering design standards as adopted by the City Council.
 12. **Development:** The improvement of land from its existing state.
 13. **Disturbed area:** The part of a site on which land-disturbing activities take place, which includes all land area that is to be disturbed at any time during the project, even if part of the land will be stabilized before another part is disturbed.
 14. **Director:** The Public Works (PW) Director.
 15. **Erosion:** The wearing away of the land surface by running water, wind, ice, gravity, or other geological, natural, or man-made agents.
 16. **Erosion control permit:** A major or minor erosion control permit.

17. **Fill material:** Soil, stone, rock, brick, portland cement or asphaltic concrete, or sand.
18. **Fill site:** Land upon which fill materials are placed and which placement does not require a Sanitary Disposal Project Permit issued by the State of Iowa.
19. **Filling:** Placing materials to effectively change the site contours, which includes placing materials originating on or off-site.
20. **Final stabilization:** Completion of all land-disturbing activities at the site, and establishment of a uniform perennial vegetative cover with a density of 70 percent for the area or employment of equivalent stabilization measures.
21. **General Permit No. 2:** An NPDES permit for Storm Water Discharge Associated with Construction Activities, as administered by the Iowa DNR.
22. **Land-disturbing activities:** Construction activity associated with development including, but not limited to, clearing, grading, excavating, filling, compacting, paving, buildings, or exposing earthen material on a site.
23. **Major erosion control permit:** A permit issued by the City to engage in land-disturbing activities on a site with a disturbed area of one or more acres.
24. **Minor erosion control permit:** A permit issued by the City to engage in land-disturbing activities on a site with a disturbed area greater than one quarter acre and less than one acre, and all new single-family dwellings.
25. **National Pollutant Discharge Elimination System (NPDES) Permit:** Any of the general surface water permits required by the Iowa DNR.
26. **Responsible party:** One or more persons who have applied for or hold a City erosion control permit, or who own, control, or perform work on a site.
27. **Sediment:** Solid material, both natural and man-made, that is in suspension, has been transported, or has been moved from its origin by air, water, gravity, or ice and has been deposited by the action of water or wind.
28. **Site:** Property where land-disturbing activities occur.
29. **Soil Quality Management Plan:** A method selected from the Iowa Stormwater Management Manual or Topsoil Method as defined herein. The Soil Quality Management Plan is indicated on the Major or Minor Erosion Control Permit Application and approved by the Director or designee.
30. **Stabilization or stabilized:** Establishment of vegetative cover with a density of 70 percent, or employment of equivalent stabilization measures.
31. **Standard Specifications:** The current construction specifications as adopted by the City Council.
32. **Stormwater drainage system:** The system of publicly owned or operated rivers, creeks, lakes, and manmade conveyance structures within the City through which or into which stormwater runoff, surface water, or subsurface water is conveyed or deposited.
33. **Stormwater facilities:** Anything built or used for the control of stormwater, including, without limitation, catch basins, channels, culverts, detention basins, energy

dissipation structures, inlets, manholes, outlets, pipes and other conduits, retention basins, and roadways and gutters.

34. **Stormwater Pollution Prevention Plan ("SWPPP"):** A document identifying and describing potential sources of pollution that may affect stormwater quality discharges from a site and all measures that will be implemented on-site to control stormwater discharge pollution, which conforms to the requirements in General Permit No. 2 and this Chapter, prepared and certified by a design professional as defined herein.
35. **Topsoil:** As defined in the current version of the Iowa Department of Natural Resources National Pollutant Discharge Elimination System General Permit No. 2.
36. **Topsoil Method:** Preserving, stockpiling, and restoring pre-development topsoil (as defined herein) to an average depth of 4 inches. Sites may be subject to soil testing for performance data collection.

71.03 – MAJOR EROSION CONTROL PERMIT REQUIRED.

- (a) Sites or common plans of development or sale that will result in a total disturbed area of one or more acres shall obtain a major erosion control permit prior to any land-disturbing activities.
- (b) All major erosion control permits shall be issued by the City Public Works Department upon approval of a completed major erosion control permit application on a form provided by the City. The application shall be signed by the title holder of the site, as well as the Applicant, if different from the title holder.
- (c) Sites required to obtain an erosion control permit shall comply with Section 71.10, Requirements for Sites Covered by the Iowa DNR General Permit No. 2, herein.
- (d) A major erosion control permit application shall include the following:
 1. A completed major erosion control permit application on a form provided by the City Engineering Department.
 2. A SWPPP conforming to the requirements of this Chapter, and the requirements of General Permit No. 2. If a SWPPP for the site has previously been submitted to the City and has not been modified, the Applicant shall submit a signed and dated statement that the SWPPP has not been modified, in which case the SWPPP need not be resubmitted.
 3. Payment of the permit fee.
 4. Indication of a Soil Quality Plan to be implemented on site.
 - a) If the site is a residential development with lots to be sold after public improvements are constructed then a Soil Quality Plan need not be indicated on the Major Erosion Control Permit.
 - b) The residential development must still comply with all other applicable portions of Chapter 72.
- (e) Major erosion control permits for publicly funded improvements shall be issued by the City Stormwater Official upon approval of a completed major erosion control permit application.

- (f) The permittee shall provide the City Stormwater Official with all material submitted as part of a Notice of Discontinuation when such a notice is filed with the Iowa DNR.

71.04 – MINOR EROSION CONTROL PERMIT REQUIRED.

- (a) Sites or common plans of development or sale that will result in a disturbed area of greater than one-quarter acre, but less than one acre and all new single-family dwellings shall obtain a minor erosion control permit prior to any land-disturbing activity.
- (b) Filling or construction within floodplain limits as established by the Federal Emergency Management Agency and in the Cedar Rapids Floodplain Management Ordinance will require a separate additional permit under that ordinance, in addition to the permits required by this Chapter.
- (c) All minor erosion control permits shall be issued by the City Stormwater Official upon approval of a completed application for an erosion control permit on a form provided by the city. The application shall be signed by the title holder(s) of the site, together with the applicant, if different from the title holder(s).
- (d) Minor erosion control permits for publicly funded improvements shall be issued by the City Stormwater Official upon approval of a completed minor erosion control permit application.
- (e) A minor erosion control permit application shall include the following:
 - 1. A completed minor erosion control permit application on a form provided by the City.
 - 2. Payment of the permit fee.
 - 3. Indication of a Soil Quality Management Plan to be implemented on site.
 - 4. Submission of any transfer agreement for partial or complete ownership of the General Permit No. 2 provisions. If complete ownership of the General Permit No. 2 provisions is transferred, then the entity accepting ownership must obtain all required permits and submit all required documents.
 - 5. Submission of a SWPPP to accompany a copy of the owner's individual NPDES General Permit No. 2, if the new owner has agreed in writing to be solely responsible for compliance with the provisions of the General Permit No. 2 as referenced in Section 71.07.
 - 6. A dimensioned drawing including the following:
 - a) Property address and legal description;
 - b) Property lines and any existing easements of record;
 - c) Limits of area of land-disturbing activities;
 - d) Existing and proposed ground elevations (2-foot maximum interval);
 - e) Proposed sediment controls description and placement;
 - f) Concrete washout facility;

- g) Rock entrance drive;
- h) Display future lot drainage design;
- i) Other information as required by the Public Works Official.

71.05 PERMIT EXEMPTIONS.

The following activities are exempt from the requirements of this Chapter:

- 1. Crop production activities;
- 2. Cemetery graves;
- 3. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards;
- 4. Total fill quantity of less than 25 cubic yards in a 12-month time period;

71.06 – PERMIT RENEWALS.

- (a) Erosion control permits shall be valid for the time period selected and may be renewed as provided for herein. A renewal application shall include the following:
 - 1. A completed erosion control permit renewal application on a form provided by the City;
 - 2. Payment of the renewal fee;
 - 3. Any information required in Section 71.03(d)(2) (for a major permit) or 71.04(c)(2) (for a minor permit) if it has changed. A major permit renewal shall include a certification by the design professional (as defined herein) that all changed conditions are included in the renewal application.
- (b) The City shall revoke an erosion control permit or deny renewal if unacceptable materials are being deposited at the site, or if the permittee has failed to comply with any of the regulations set forth in this Chapter or any requirement of law, statute, or regulation.

71.07 – FILLING REQUIREMENTS.

- (a) Clearing and grubbing shall be performed according to the Standard Specifications except as provided in this Chapter.
- (b) Fill material shall be placed according to the SWPPP as accepted by the city.
- (c) Interim filling during construction shall be placed in a safe manner. Slope stabilization, inspection and maintenance of erosion control, and soil stabilization where work has been suspended shall be according to the Design Standards.
- (d) Finish grading shall be according to the Standard Specifications.

- (e) Finish slopes shall not exceed a 3:1 ratio on any slope facing and terminating within 15 feet of a property line.

(f) **Unacceptable Fill Materials.**

1. Fill materials shall not include hazardous waste, synthetic material, metal, and organic material other than natural topsoil incidental to excavation except as noted below. Concrete, brick, tile, and other manufactured inert material shall not be greater than 18 inches in its greatest dimension. Asphalt paving material shall not be used for bank stabilization or where the final location will be below the known water table.
2. Trees may be buried within the site they originate from, provided they are not buried within structural footprints or in earthwork providing structural support, such as for building foundations and roadways. Trees shall not be placed in the trench backfill for sewers, culverts, and other underground utilities. Trees shall not be imported onsite from offsite for use as fill.

71.08 – SWPPP REQUIRED.

- (a) The City Stormwater Official shall classify sites with land-disturbing activities into one of the following three categories:
 1. Individual lots not part of a larger development disturbing less than one acre shall not require submittal of a SWPPP. However, the owner of a site is required to plan and implement erosion control measures as described in the permit application. The City Stormwater Official may require an acceptable SWPPP for sites with a disturbed area less than one acre in cases warranted by site conditions. Such site conditions may include, but are not limited to:
 - a) Site contains slopes of 9 percent or greater;
 - b) Site is adjacent to a water body or open drainage channel;
 - c) The site has been identified as having severe erosion or as creating a significant impact on adjacent properties, water bodies, or open drainage channels due to erosion and sediment deposition.
 2. Individual lots disturbing less than an acre associated with a larger development retaining a General Permit No. 2 where the new owner of the lot has agreed in writing to be solely responsible for compliance with the provisions of the General Permit No. 2 shall submit a SWPPP to accompany their individual General Permit No. 2 for that lot.
 3. Sites with a disturbed area greater than or equal to one acre shall require an acceptable SWPPP meeting the requirements of this Chapter, certified by a design professional.
- (b) The SWPPP must be reviewed and approved by the City Stormwater Official prior to the commencement of land-disturbing activities.
- (c) The City's acceptance of a SWPPP does not constitute approval of exceptions to Design Standards unless specifically requested and approved.

71.09 – SWPPP REQUIREMENTS.

- (a) Every SWPPP submitted to the City in support of a major erosion control permit application:
1. Shall contain complete 24-hour contact information for the site owner and the person in charge of providing and maintaining sedimentation and erosion control for the site. The permittee shall inform the City Stormwater Official within 7 calendar days of any change in this contact information.
 2. Shall comply with all current minimum mandatory requirements for a SWPPP promulgated by the Iowa DNR in connection with General Permit No. 2, including those published as Summary Guidance for General Permit No. 2 by the Iowa DNR. The City Stormwater Official may develop policies modifying these requirements for sites with a disturbed area less than one acre.
 3. Shall comply with all other applicable state or federal permit requirements in existence at the time of application.
 5. Shall include a drainage plan prepared according to the Design Standards. The drainage plan shall be accompanied by a drainage report. The drainage report shall at a minimum demonstrate that the design of proposed grading, erosion, and sediment control, if constructed per plan, is not expected to adversely impact adjacent properties.
 6. Shall be prepared by a design professional as defined herein;
 7. Shall include a signed and dated certification by the person preparing the SWPPP that the SWPPP complies with all requirements of this section; and
 8. Shall provide phased erosion control plans for the following development categories:
 - a) Commercial/Industrial Development
 - 1) Grading Phase
 - 2) Construction Phase
 - 3) Final Stabilization Phase
 - b) Residential Development
 - 1) Grading Phase
 - 2) Infrastructure Phase
 - 3) Lot Development Phase (Final Stabilization Phase)
- (b) The SWPPP shall be modified by a design professional (as defined herein) as required in General Permit No. 2. Any modification of the SWPPP shall meet the requirements above.
- (c) The applicant, or a designated third party, shall be required to utilize the interactive website provided by the City to retain SWPPP documents, document weekly SWPPP inspections, and record all land-disturbing activity, sediment/erosion control practices, and good housekeeping practices.

71.10 – SWPPP REVIEW AND APPROVAL PROCEDURE.

- (a) The applicant shall submit a SWPPP for the site, meeting the requirements established in the Design Standards, to the City Stormwater Official for review and approval.
- (b) The City Stormwater Official shall review the submittal for compliance with the requirements of a SWPPP as set forth in the Design Standards. Following the review, the City Stormwater Official shall return comments, if any, to the design professional.
- (c) Following receipt of comments, the applicant shall provide a revised submittal in accordance with any requested revisions.
- (d) The City Stormwater Official may require supporting documentation as needed to demonstrate conformance with these requirements. Issuance of an erosion control permit may be delayed pending receipt of the documentation.
- (e) If the submittal is complete, and meets the requirements as set forth herein, the City Stormwater Official shall approve the plan.

71.11 – REQUIREMENTS FOR SITES COVERED BY IOWA DNR GENERAL PERMIT NO. 2.

- (a) The City shall not allow any land-disturbing activity on a site for which coverage under General Permit No. 2 is required, nor shall the City issue any permit, authorization, or license allowing such activity, until the site owner has obtained coverage for the site under General Permit No. 2 from the Iowa DNR.
- (b) Any responsible party who is required to obtain, or has obtained, coverage under General Permit No. 2 shall comply with all the requirements of General Permit No. 2. Failure to do so is a violation of this section.
- (c) Completion of work shown in a SWPPP submitted under the provisions of General Permit No. 2 is a requirement of General Permit No. 2, and failure to complete such work is a violation of this section.
- (d) For sites covered under General Permit No. 2 where the ownership changes, the City Stormwater Official must be notified of the title transfer within 30 days, except in the case of single-lot sales, which shall be recorded on the SWPPP. The new owner shall be subject to all terms and conditions of the erosion control permit. A copy of the notice of transfer that was sent to the City Stormwater Official shall be included in the SWPPP.
 - 1. For sites that are part of a larger common plan of development, such as a housing or commercial development project, if a permittee transfers ownership of all or any part of property subject to an erosion control permit, both the permittee and transferee shall be responsible for compliance with the provisions of General Permit No. 2 and the erosion control permit for that portion of the project which has been transferred, including when the transferred property is less than one acre in area.
 - 2. If the new owner agrees in writing to be solely responsible for compliance with the provisions of General Permit No. 2 and the erosion control permit for the property which has been transferred, then the existing permittee shall be relieved of responsibility for compliance with General Permit No. 2 and the erosion control permit for the transferred property, from and after the date the transfer of responsibility is attached to the SWPPP.

71.12 – INSPECTION, NOTICE TO COMPLY, AND NOTICE OF VIOLATION.

- (a) The City Stormwater Official may inspect the site in response to reports from third parties or at any time, at the City Stormwater Official's discretion.
- (b) The City Stormwater Official may issue a notice to comply to the responsible party or parties, describing any problems and specifying a date and time by which compliance must be achieved.
 - 1. The City Stormwater Official may modify a notice to comply and may authorize, in writing, an extension to the specified date and time by which compliance must be achieved.
 - 2. Failure to achieve compliance by the specified date and time is a violation of this section.
- (c) The City Stormwater Official shall, upon determination of any violation of this section, issue a notice of violation in writing to the responsible party or parties, indicating the nature of the violation and ordering the action necessary to correct it.
 - 1. The notice of violation may:
 - a) Order the discontinuance of any illegal work, specifying a date and time for such discontinuance;
 - b) Require the repair and cleanup of any damage done due to failure to comply with General Permit No. 2, specifying a date and time for completion of repair and cleanup;
 - c) Order the withholding of any building or occupancy permits for the site; and
 - d) Order the discontinuance of any or all work at the site, including at the City Stormwater Official's discretion work not directly related to the cause and prevention of erosion and sedimentation, except work necessary to achieve compliance and to repair and clean up damage, specifying a date and time for such discontinuance to commence and conditions for such discontinuance to cease.
 - 2. Failure to comply with any order in a notice of violation is an additional violation. Each day of such failure constitutes a separate violation.
 - 3. The City Stormwater Official may modify a notice of violation and may authorize, in writing, an extension to the specified dates and times therein.
 - 4. The notice of violation shall, where necessary or appropriate, recommend to the City Attorney the institution of legal or equitable actions that may be required for the enforcement of this section.
 - 5. The notice of violation shall be filed with the County Recorder's Office.
- (d) Communication to a responsible party's employee, partner, attorney, agent, contractor, or subcontractor shall be regarded as communication to the responsible party for the purpose of this section.
- (e) Communication to one responsible party shall be regarded as communication to each responsible party for the purpose of this section.

71.13 – POWERS OF AUTHORITY FOR INSPECTION.

- (a) **Right of Entry.** The City Stormwater Official and authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The applicant, owner, or titleholder shall be deemed to have consented to such entry by submission of an application for any permit or plan contemplated in this Chapter. Barring or delaying such inspection is a violation of this section.
- (b) The City Stormwater Official shall have access to and be able to copy any records that must be kept under the conditions of General Permit No. 2 within 3 business hours, where a business hour is any hour between 8:00 a.m. and 3:30 p.m. on a non-holiday weekday.

71.14 – REPAIR AND CLEAN-UP OF DAMAGE.

- (a) For any site, whether covered by an erosion control permit or other stormwater discharge permit, the City may clean up eroded sediment or tracked soil deposited on public property if:
 - 1. Corrective action has not been completed within 24 hours or within an extended deadline granted in writing by the City; or
 - 2. In the judgment of the City Stormwater Official, damage to the environment is ongoing and prompt corrective action would be intended to reduce such damage.
- (b) If the City cleans up such material deposited off-site, the City will invoice the responsible party or parties for the City's actual costs including overhead, which may be recorded as an assessment against the property and constitute a lien thereon.
- (c) Failure to pay an invoice under this section within 30 days shall constitute a violation of this section.

71.15 – ENFORCEMENT.

- (a) Violation of any provision of this Chapter may be enforced by civil action, including an action for injunctive relief.
- (b) Violation of any provision of this Chapter may also be enforced as a municipal infraction within the meaning of Iowa Code 364.22, pursuant to Chapter 1, General Provisions of the Cedar Rapids Municipal Code.

71.16 – APPEALS.

- (a) Anyone claiming to be aggrieved by any determination made by the City Stormwater Official may within 20 days of the date of such determination appeal to the Director or designee, and in writing state their reasons for requesting such order to be rescinded or modified. The Director or designee shall review the determination of the City Stormwater Official, and if reasonable grounds exist, shall modify, withdraw, or order compliance with said determination.

- (b) Anyone claiming to be aggrieved by the determination made by the City shall have such rights of appeal as provided by the law.

71.17 – FEES ESTABLISHED.

The City Council may establish fees by resolution for permit applications, permit renewal applications, inspections, and for the review and processing of documents necessitated by this Chapter. When such fees are established, a submittal shall not be considered unless the appropriate fee has been submitted to the City.”

Section 2. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that provision affected by such decision.

Section 3. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Cedar Rapids Municipal Code and made a part of said Code as provided by law.

Section 5. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 27th day of February, 2024.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at meeting: Ken DeKeyser, PE

Description of Agenda Item: ORDINANCES – Second and possible Third Readings
Ordinance repealing Chapter 72 of the Municipal Code, Storm Water Management, and enacting a new Chapter 72 in its place to include updated operations and adding flexibility to the design standards and stormwater utility credits (**Council Priority**).
CIP/DID #43-10-007

Council Priority: Business-Friendly
EnvisionCR Element/Goal: ProtectCR Goal 4: Demonstrate best practices in building construction.

Background: The City's Municipal Separate Storm Sewer System (MS4) permit requires the City to manage and control stormwater from developments to reduce flooding and erosion risks. The City's best management practices and Stormwater Utility are embodied in Municipal Code Chapter 72. This code update reflects the City's current operations and adds flexibility to the design standards and stormwater utility credits.

Recommended Action: City staff recommended holding the 2nd and 3rd readings, combined.

Alternative: Separate 2nd and 3rd readings.

Time Sensitivity: Normal (scheduled adoption prior to July 1, 2024 to begin with FY 2025 budget).

Meeting Dates: Proposed timeline as follows:

Public Hearing and 1st reading of Ordinance: February 27, 2024

2nd reading of Ordinance: March 12, 2024

3rd reading of Ordinance: March 12, 2024

Budget Information: N/A

Local Preference Policy: NA

Explanation: NA

Recommended by Council Committee: NA

Explanation: NA

ORDINANCE NO. LEG_NUM_TAG

AN ORDINANCE REPEALING CHAPTER 72 OF THE MUNICIPAL CODE,
STORMWATER MANAGEMENT, AND ENACTING A NEW CHAPTER 72 IN ITS
PLACE TO INCLUDE UPDATED OPERATIONS AND ADDING FLEXIBILITY TO
THE DESIGN STANDARDS AND STORMWATER UTILITY CREDITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA,
as follows:

Section 1. Chapter 72 of the Cedar Rapids Municipal Code is hereby repealed and in
its place a new Chapter 72 is enacted as follows:

“CHAPTER 72 – STORMWATER MANAGEMENT

72.101 PURPOSE AND GENERAL OBJECTIVES.

(a) The general purposes of this Chapter include:

1. To establish policies to comprehensively manage and control stormwater runoff in a safe and economical manner in developing areas for the purpose of promoting the health, safety, and general welfare of the population, and for the protection of property, while complying with applicable federal and state regulatory requirements.
2. To provide for stormwater storage within the City where detention/retention basin facilities have been determined to be beneficial in reducing the peak runoff to subservient lands.
3. To manage stormwater runoff from development sites.

(b) The general objectives of this Chapter include:

1. To integrate Stormwater Management Plans in the Cedar Rapids Metropolitan Area with other community plans, including the Comprehensive Plan.
2. To encourage innovative and economic solutions which provide for multipurpose use of stormwater management facilities, and to reduce, where feasible, the use of land solely for conveyance or storage of stormwater runoff.
3. To identify the roles and shared responsibilities of all participants in urban stormwater management, including regular maintenance of stormwater management facilities.
4. To implement a program addressing both individual development sites and a watershed (drainage area) approach to the planning and construction of stormwater management facilities.
5. To develop stormwater management standards to reduce soil erosion, sedimentation, and adverse effects on groundwater.
6. To reduce the adverse impacts on existing developed areas by the implementation of stormwater management practices on development sites.

7. To systematically reduce the existing level of stormwater inundation in areas currently experiencing flooding in a manner consistent with the overall goals and objectives for stormwater management set forth in this Chapter.
8. To adopt engineering methods and techniques for estimating stormwater runoff which can be updated as technology improves, and to systematically monitor the effectiveness of the Stormwater Management Plan.

72.102 DEFINITIONS.

- (a) Wherever used in this Chapter, the terms listed below will have the meanings indicated. Words using the present tense shall include the future; the singular shall include the plural; the plural shall include the singular; the masculine gender shall include the feminine. The term “shall” is always mandatory, and the term “may” is permissive.
1. **Agricultural property:** Land used for the raising of food and feed crops and products, including tree and vine products; animal husbandry including beekeeping, dairying, poultry, and pasturage.
 2. **Bonds:** Revenue bonds, notes, loans, or any other debt obligations issued or incurred to finance the costs of construction.
 3. **Capacity (of a stormwater facility):** The maximum volume or rate of conveyance available in a stormwater management facility, excluding freeboard, to store or convey stormwater without damage to public or private property.
 4. **City:** The City of Cedar Rapids, Iowa.
 5. **City Council:** The City Council of the City of Cedar Rapids, Iowa.
 6. **City Engineer:** The position established by Section 5.09 of the Cedar Rapids Municipal Code.
 7. **City Stormwater Official:** Any City staff member designated to enforce this Chapter.
 8. **Civil Engineer:** A professional engineer licensed in the state of Iowa to practice civil engineering.
 9. **Comprehensive Plan:** The plan or series of plans adopted by the City to guide the development and redevelopment of the City and the surrounding area, which may include a Future Land Use Map, neighborhood/corridor action plans, and other applicable plans.
 10. **Contiguous:** Sharing a common property line boundary, less any public right-of-way separating them (if applicable), for any distance. To be contiguous the property owner and the utility account holder must be the same legal entity.
 11. **User:** Any person owning, operating, or otherwise responsible for property within the City which directly or indirectly discharges stormwater or surface or subsurface waters to any portion of the stormwater drainage system, including direct or indirect discharges to the City’s stormwater drainage system, or which is directly or indirectly protected by the City’s flood protection system or stormwater drainage system; or

any person responsible for the direct or indirect discharge of stormwater or surface or subsurface waters to the City's stormwater drainage system.

12. **Control structure:** Any part of a facility designed to regulate the stormwater runoff release rate.
13. **Costs of construction:** Costs reasonably incurred in connection with providing capital improvements to the Storm Water Drainage System or any portion thereof, including but not limited to the costs of the following:
 - a) Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefor;
 - b) Physical construction, installation, and testing including the costs of labor, services, materials, supplies, and utility services used in connection therewith;
 - c) Architectural, engineering, legal, and other professional services;
 - d) Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation;
 - e) Any taxes or other charges which become due during construction;
 - f) Expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
 - g) Principal and interest on any bonds; and
 - h) Miscellaneous expenses incidental thereto.
14. **Debt service:** The amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing bonded debt.
15. **Design Standards:** The current engineering design standards as adopted by the City Council.
16. **Detention basin:** A stormwater management facility designed, constructed, or modified to provide short-term storage of stormwater runoff, which reduces the peak outflow to a rate less than the peak inflow.
17. **Developed property:** Real property upon which a structure or impervious surface has been placed or constructed contributing to greater stormwater runoff.
18. **Development:** The improvement of land from its existing state.
19. **Development Services Division:** The City division designated to review and approve plans and permits for land development.
20. **Director:** The Public Works (PW) Director.
21. **Drainage area:** An area of land contributing to stormwater runoff.
22. **Dwelling unit:** An area providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

23. **Equivalent Residential Unit (ERU):** The average impervious surface area of residential property located within the City, as periodically determined, and established per this Chapter.
24. **ERU Rate:** The dollar value periodically determined and assigned to each ERU as the Stormwater Utility Charge; set under 72.305(d)(3).
25. **Extension and replacement:** Costs of extensions, additions, and capital improvements to, the renewal and replacement of capital assets of, or purchasing and installing new equipment or land acquisition for the Stormwater Drainage System and any related costs thereto or paying extraordinary maintenance and repair (including the costs of construction) or any other expenses which are not costs of operation and maintenance or debt service.
26. **Flood Control System:** The system of levees, floodwalls, removable walls, valves, stormwater lift stations, and other equipment or facilities which are intended to provide flood control.
27. **Impervious surface area:** The number of square feet of hard-surfaced areas which either prevent or retard the entry of water into soil mantle, or cause water to run off the surface in greater quantities or at an increased rate of flow than was present under natural conditions as undeveloped property; including but not limited to: roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, and athletic courts.
28. **Iowa Stormwater Management Manual (ISWMM):** The current Iowa Stormwater Management Manual publication, by whatever name, as amended by the Iowa Department of Natural Resources (IDNR) in collaboration with Iowa Stormwater Education Partnership and other partners.
29. **Lot or parcel:** A measured area of land having fixed boundaries, designated on a plat or survey, and having an individual identifier and legal description as recorded by the Cedar Rapids City Assessor.
30. **Lot size or property size:** The gross area of a parcel as determined by the Cedar Rapids City Assessor.
31. **Multi-family residential property:** A residential property containing more than two dwelling units.
32. **Nonresidential property:** Any property developed for commercial, industrial, governmental, or institutional use, including churches, hospitals, and mixed-use properties incorporating residential uses, excluding undeveloped property and property used exclusively for agricultural purposes.
33. **Operating budget:** The annual operating budget for the Stormwater Utility adopted by the City Council for the succeeding fiscal year.
34. **Operations and maintenance expense:** The current expenses, paid or accrued, of operation, maintenance, and current repair of the Stormwater Drainage System, as calculated in accordance with sound accounting practice, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including recordkeeping, labor, executive compensation, the cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred,

but which are such as may reasonably be expected to be incurred in accordance with sound accounting practice.

35. **Overflow system:** The overland path taken by stormwater runoff when flows exceed the capacity of the underground drainage system. This path may include streets, channels, drainageways, or areas of sheet flows, and be located on public property or private property within an easement.
36. **Property owner:** The person or entity that is listed on the recorded deed for the subject property.
37. **Residential property:** Any developed property on which a single-family dwelling, duplex dwelling, multi-family dwelling or townhome dwelling has been constructed or placed.
38. **Retention basin:** A stormwater management facility to provide long-term storage of stormwater runoff, which reduces the peak outflow during a specific rainfall event, typically designed to maintain a specific water elevation.
39. **Revenues:** All rates, fees, assessments, rentals, or other charges or other income received by the Utility in connection with the management and operation of the Stormwater Drainage System, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.
40. **Site:** A lot, parcel, or tract of land, or portion thereof, where development is occurring or has occurred, which may or may not require additional permits.
41. **Soil Quality Management Plan:** A method selected from the Iowa Stormwater Management Manual or Topsoil Method as defined herein as indicated on the Major or Minor Erosion Control Permit Application.
42. **Stormwater Drainage System:** The system of publicly owned or operated rivers, creeks, lakes, and manmade conveyance structures within the City through which or into which stormwater runoff, surface water, or subsurface water is conveyed or deposited.
43. **Stormwater Management Plan:** A plan, certified by a Civil Engineer, specifying materials, construction phasing, grading activities, and methods used for mitigation of increased stormwater runoff from the site under the requirements set forth in the Design Standards.
44. **Stormwater runoff:** The flow of water resulting from precipitation upon a surface area, not absorbed by the soil or plant material.
45. **Stormwater runoff release rate:** The flow rate of stormwater runoff discharged from dominant to servient land according to the Design Standards.
46. **Stormwater Utility Charge:** The charge, authorized by state law and this Chapter, established to pay for the costs of construction, operations and maintenance, storm sewer capital improvement projects, debt service, and all other costs reasonably related to the Stormwater Utility.
47. **Stormwater Utility or Utility:** The enterprise fund created by this Chapter to operate, maintain, and improve the Storm Sewer System and for other such purposes as stated in this Chapter.

48. **Storm Sewer System:** The existing stormwater management facilities, Stormwater Drainage System, and Flood Control System of the City and all improvements thereto which by this Chapter are constituted as the property and responsibility of the Utility, to be operated as an enterprise fund to, among other things, operate, maintain, and improve the system in accordance with federal, state, and local laws, regulations, and standards.
49. **Topsoil:** As defined in the current version of the Iowa DNR National Pollutant Discharge Elimination System General Permit No. 2.
50. **Topsoil Method:** Preserving, stockpiling, and restoring pre-development topsoil (as defined herein) to an average depth of 4 inches.
51. **Undeveloped property:** Real property that has no impervious surface area.

72.103 STORMWATER COMMISSION.

- (a) **Creation.** The Cedar Rapids Stormwater Commission is hereby created.
- (b) **Members.** The Stormwater Commission shall consist of five (5) members who shall be appointed by the Mayor with the advice and consent of the City Council. Stormwater Commission members shall always be residents of the City and shall serve without compensation. Members shall be qualified by knowledge or experience to act in matters pertaining to the development of stormwater policies and shall not hold any elective office in the City government. Each member shall serve for a term of three (3) years until a successor is appointed; however, the terms of the initial members shall be arranged or staggered such that the terms of no more than three (3) members shall expire at the same time. Appointment to vacancies will be for the unexpired term.
- (c) **Removal of Members.** The members of the Stormwater Commission may be removed by the City Council before the expiration of a respective term for such cause as the City Council may determine necessary.
- (d) **Duties.** The Stormwater Commission shall have such duties as set forth in the Storm Water Commission Charter.
- (e) **Reports.** The Stormwater Commission shall make such reports to the City Council as the City Council may request from time to time.
- (f) **Name.** The Stormwater Commission is named the Cedar Rapids Stormwater Commission.
- (g) **Meetings.** The Stormwater Commission shall meet at the call of the Chairperson or at the call of a majority of its members. An affirmative vote by a majority of the entire Stormwater Commission shall be necessary to take any action. The Stormwater Commission shall annually elect its own Chairperson and shall develop rules of procedure in addition to these rules as is necessary. A majority of the members shall constitute a quorum.
- (h) **Role of City Staff.** City staff will prepare and publish the committee meeting agendas. A representative of the Public Works Department will attend each meeting to provide technical assistance on agenda items and prepare notes and meeting minutes. This representative is not a voting member of the Stormwater Commission. The Public Works Department also provides the Commission and interested citizens with updates on planned or proposed projects at each meeting.

- (i) Policy Discussion. The Stormwater Commission may be asked by the City to review current stormwater policies and recommend improvements to the policies as needed.
- (j) Annual Review. Each year, at its first meeting, the Stormwater Commission shall conduct a thorough review of its actions and work in the prior calendar year and consider such addenda or modifications to these rules as will assure the most effective performance by the Stormwater Commission. In addition, at such meeting the Stormwater Commission shall be provided with additional education and training that will enable the Stormwater Commission and its members to function more effectively and in the best interests of the City.

DIVISION 2

Stormwater Management

72.201 EXEMPTIONS.

- (a) The following are exempt from the requirements of Division 2 of this Chapter:
 - 1. Agricultural use of land;
 - 2. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards;
 - 3. Land within flood plain areas as designated in the Federal Emergency Management Agency maps in effect at the time of development; and
 - 4. Areas deemed appropriate by the Director.

72.202 APPLICATION.

- (a) Except for exemptions provided for hereinabove, the requirements of this Chapter shall apply to all development within the City.
- (b) Stormwater detention basins intended to serve single- or two-family residential development shall be publicly owned and maintained, unless approved otherwise by the Director.
- (c) Nonresidential lots with an overall area of one acre or more shall provide on-site stormwater detention. Nonresidential lots with an overall area at least one-half acre but less than one acre shall comply with one of the following, as approved by the Development Services Division:
 - 1. Privately owned, on-site detention basin.
 - 2. Tributary to a privately or publicly owned detention basin.
 - 3. Water quality best management practices.

In some watersheds, on-site stormwater detention may be required, at the discretion of the Development Services Division, for nonresidential lots with an overall area of less than one acre.

- (d) At the discretion of the Director, if a detention basin serves nonresidential zoning districts and can provide stormwater attenuation for a substantial drainage area, the facilities may be publicly owned and maintained.

72.203 STORMWATER MANAGEMENT REQUIREMENTS.

- (a) Unless otherwise exempt, no development may occur without an approved Stormwater Management Plan. For purposes of obtaining approval of a Stormwater Management Plan, a plan for the site meeting the requirements established in the Design Standards shall be submitted to Development Services Division for review and approval. All design criteria and plan details shall be in conformance with the Design Standards.
- (b) Construction of stormwater management facilities shall be in conformance with the approved Stormwater Management Plan for the site.
- (c) The Stormwater Management Plan, including on-site stormwater detention facilities, shall be reviewed and approved by the Development Services Division prior to the issuance of foundation permits, or building permits for the site. The improvements shall be constructed prior to the issuance of final certificates of occupancy. The requirements of this paragraph may be deferred at the discretion of the Development Services Division.
- (d) For site(s) on which privately owned and maintained stormwater detention and/or conveyance facilities are located, the property owner shall be responsible for the following:
 - 1. Certification of the private stormwater facilities by a civil engineer every five years and submitted to the City Stormwater Official. The certification must list the designed storage volume and release rate for the facility and certify that the facility's current storage volume and release rate, as applicable, are at or better than the design values.
 - 2. Control of weeds, insects, and sediment accumulation.
 - 3. All future grading, repairs, and maintenance.
 - 4. Maintenance of the minimum stormwater detention volume, as approved by the City.
 - 5. Maintenance of the detention basin control structure(s) and discharge pipe(s) to ensure the maximum theoretical stormwater release rate, as approved by Development Services Division, is not increased.
- (e) The property owner shall place no fill material, nor erect any buildings, obstructions, or other improvements on the area reserved for stormwater detention purposes, unless approved otherwise by the Development Services Division.
- (f) The property owner shall dedicate to the City, by instrument or final platting, any property on which public stormwater detention basins will be located. Ingress-egress easements for maintenance of public facilities shall be provided prior to final site approval.
- (g) The City Stormwater Official may inspect the site(s) at any time to determine compliance with these regulations. If deemed necessary by the City Stormwater Official, the property owner shall provide certification by a licensed civil engineer verifying the minimum stormwater detention volume and the maximum theoretical stormwater release rate, as established in the Design Standards, and are in conformance with the approved design.

- (h) Upon determination that a site is not in compliance with these regulations, the City Stormwater Official may issue an order to comply. The order shall describe the problem and specify a date by which the work must be completed and indicate the penalties to be assessed for further noncompliance.
- (i) Except as provided in this Chapter, no person shall engage in construction of stormwater management facilities, unless a Stormwater Management Plan has been reviewed and approved by the Development Services Division.

72.204 FEES ESTABLISHED.

The City Council may by resolution establish fees for the review and processing of documents necessitated by this Chapter.

72.205 SOIL QUALITY REQUIREMENTS.

- (a) All development shall occur in compliance with an approved Soil Quality Management Plan. Sites where mass grading has commenced and sites where grading has been completed prior to January 1, 2017, may be exempt at the discretion of the City Stormwater Official.
- (b) Publicly funded Capital Improvement Projects shall retain existing topsoil on site and re-distribute the topsoil in a uniform manner prior to, or as part of, the implementation of the Soil Quality Management Plan.
- (c) Residential development and redevelopment projects shall retain existing topsoil on site and distribute the topsoil in a uniform manner after all public improvements are complete and prior to the sale of any individual lots. If developer retains all lots for development, topsoil shall be distributed in a uniform manner prior to, or as part of the implementation of the Soil Quality Management Plan per lot.
- (d) Commercial and industrial developments shall retain existing topsoil on site and distribute the topsoil in a uniform manner prior to, or as part of, the implementation of the Soil Quality Management Plan.
- (e) Sod will be considered as part of soil depth of no more than 1-inch.
- (f) An approved Soil Quality Management Plan is required prior to the issuance of foundation permits or building permits.
- (g) A Soil Quality Management Plan shall be implemented on all disturbed pervious areas of the site. Site exceptions may be made by approval of the City Stormwater Official.
- (h) The City Stormwater Official may inspect the site(s) at any time to determine if the site complies with the submitted Soil Quality Management Plan.
- (i) Sites may be subject to soil testing for performance data collection.
- (j) Upon determination that a site is not in compliance with these regulations outlined in Chapter 72, the City Stormwater Official may proceed with enforcement as outlined in Chapter 71.11 and Chapter 71.14.

DIVISION 3

Stormwater Utility

72.301 STORMWATER UTILITY.

- (a) All areas within the City limits are hereby declared and designated as a “stormwater drainage system district” within the meaning and intent of, and for the purposes authorized by, Iowa Code Section 384.84 (2013). Said district shall be governed by the Stormwater Utility.
- (b) In furtherance of the purposes for which the stormwater drainage system district is authorized, and to protect and promote the public health, safety, welfare, and convenience of the City and its citizens, Stormwater Utility Charges shall be levied upon and collected from all users.
- (c) This Chapter 72, Division 3, shall supersede all Chapter 13 Storm Sewer Maintenance sections and references to the contrary.

72.302 POWERS, DUTIES AND RESPONSIBILITIES.

The Stormwater Utility shall have the following powers, duties, and responsibilities:

- a) Prepare proposed ordinances as needed to implement this Chapter and forward the ordinances to the City Council for consideration and adoption, and adopt such regulations and procedures as are required to implement this Chapter and carry out its duties and responsibilities.
- b) Administer the acquisition, design, construction, maintenance, and operation of the Stormwater Drainage System, including capital improvements program approved by City Council
- c) Administer and enforce this Chapter and all ordinances, regulations and procedures adopted relating to the design, construction, maintenance, operation, and alteration of the Stormwater Drainage System, including but not limited to the quantity and quality of the stormwater conveyed thereby.
- d) Inspect private stormwater systems as necessary to determine the compliance of such systems with this Chapter and any ordinances or regulations adopted pursuant to this Chapter.
- e) Prepare and update a stormwater master plan.
- f) Review plans, approve or deny, inspect, and accept extensions to the Stormwater Drainage System.
- g) Establish and enforce regulations to protect and maintain water quality in compliance with standards established by state, regional and/or federal agencies.
- h) Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines, and other revenues of the Utility, and make recommendations regarding adjustments to such fees, charges, fines, and other revenues.

- i) Prepare an annual operating budget for the Utility and make recommendations regarding the financing of the cost of all items under this Chapter.

72.303 DIRECTOR.

- (a) The Director shall be appointed by the City Manager.
- (b) Duties: The City Stormwater Official under supervision of the Director shall administer the Stormwater Utility and enforce the provisions of this article and all other ordinances adopted under this Chapter under the general supervision of the City Manager and subject to such rules and regulations as the City Council may prescribe.
- (c) Accounts and Reports: The City Stormwater Official under supervision of the Director shall keep an accurate and complete record of the transactions of the Stormwater Utility, including all receipts and disbursements.
- (d) Separate Sewer Fund: All moneys received by the City Treasurer from any source on account of the Stormwater Utility shall be kept in a separate fund and shall be paid out by the City Treasurer only upon legal warrants of the City.

72.304 STORMWATER UTILITY CHARGE EXEMPTIONS.

- a) Stormwater Utility Charge shall not be imposed on the following types of property:
 - 1. Publicly owned streets, rights-of-way, sidewalks, and trails;
 - 2. All real property owned and operated by the City;
 - 3. Railroad track and associated right-of-way, but not including any rail yards, buildings, or other paved or graveled surfaces; and
 - 4. Undeveloped property.
- b) The Airport Commission shall report the impervious surface area of the Eastern Iowa Airport to the City Stormwater Official. The reported impervious surface area shall be expressed in acres and include all impervious surface area at the Eastern Iowa Airport that is not owned and operated by the City for the application of a Stormwater Utility Charge.

72.305 STORMWATER UTILITY CHARGE; ESTABLISHMENT OF POLICY REGARDING EXPENDITURE OF UTILITY REVENUES.

- a) There is hereby established a Stormwater Utility Charge. The purpose of the Stormwater Utility Charge is to recover the costs associated with the planning, design, land acquisition, construction, operation and maintenance, extension and replacement, and debt service associated with the Stormwater Utility. The Stormwater Utility Charge shall be billed to lots as set forth herein. The Stormwater Utility Charge shall be determined by considering the impervious surface area on each lot, determining an ERU, and billing lots at a flat rate based on the number of ERU contained within the lot.

- b) A Stormwater Utility Charge will apply to every lot within the limits of the City even if the lot receives no other utilities, unless the lot is exempt from the Stormwater Utility as set out in 72.304.
- c) The ERU is hereby established as 4,356 square feet of impervious surface area. The ERU will be periodically evaluated and updated as the average amount of impervious surface area on all residential lots within the City.
- d) The following method will be used to calculate the Stormwater Utility Charge for each lot required:
 - 1. The lot's total ERU count is the result of the lot's total impervious surface area divided by the ERU to yield the total number of ERUs contained within the lot.
 - 2. The lot's total ERU count contained within the lot will be rounded to the nearest whole number with the following exception:
 - A. If the impervious surface area is equal to or greater than 500 square feet or the lot has metered potable water service, then the assigned total number of ERUs will be at least one.
 - B. If the impervious surface area is less than 500 square feet and the lot does not have metered potable water service, then the assigned total number of ERUs will be zero and the property will be considered undeveloped.
 - 3. The ERU Rate is hereby established at \$0.2631 per ERU per day.
- e) The following methods will be used to apply the Stormwater Utility Charge to each lot:
 - 1. The Stormwater Utility Charge is the result of the total ERU count multiplied by the ERU Rate.
 - 2. Individual lots containing one potable water meter will be billed the entire Stormwater Utility Charge on one account.
 - 3. Individual lots containing two or more potable water meters will have the total ERU count evenly divided amongst the number of accounts with a minimum of one-half ERU applied to each account. ERU counts resulting in fractions will be rounded to two digits.
 - A. If at least one of the water meters on the property is assigned to the property owner, the property owner may request to have the entire Stormwater Utility Charge applied to a single account assigned to the property owner.
 - B. If all water meters on the property belong to the same utility account holder, the account holder may request to have the entire Stormwater Utility Charge applied to a single account assigned to the account holder.
 - 4. Individual lots without other utilities that contain at least one total ERU will have a utility account created and assigned to the property owner for the purposes of Stormwater Utility Charge billing. However, if an unmetered lot containing at least one ERU is contiguous with any adjoining metered lots, the unmetered lot's total ERU count will be added to the metered lot's total ERU count to calculate the Stormwater Utility Charge.

5. The rate for each parcel shall be reduced by one-half for the elderly or disabled as defined in Section 12.37 of the Municipal Code, and eligible persons shall comply with the same procedure therein to obtain the reduced rate.
6. The application of the total ERU count will be phased in per the following schedule:
 - A. The maximum total ERU count for a single lot will be capped at:
 1. FY17 — 100 ERU
 2. FY18 — 200 ERU
 3. FY19 — 300 ERU
 4. FY20 — 400 ERU
 5. FY21 — 500 ERU
 6. FY22 — No cap
- f) Any reduction in a lot's total ERU count must be presented by the property owner to the City for approval using the appropriate forms and providing all required documentation.
 1. Reduction in total ERU count will be granted by the City utilizing the credits outlined in this section.
 2. Lots not billed for the actual total ERU count due to phase-in per 72.305(d)6 will have credits applied to their actual total ERU count only.
 3. All total ERU count reductions will be rounded to the nearest whole number.
 4. The minimum adjusted total ERU count after applied credits is one.
 5. All credits outlined in this section are additive.
 6. The maximum total credit will be a 75% reduction in total ERU count.
 7. Property owners must submit an initial credit application, then a renewal application every three years thereafter to ensure proper maintenance, functionality, and application of appropriate credits unless otherwise noted. Application may include multiple lots owned by a property owner demonstrating creditable activities under 72.305(f)(11).
 8. Documentation supporting requests for credits must be certified as appropriate by a civil engineer.
 9. The City reserves the right to re-evaluate awarded credits at any time.
 10. The City reserves the right to inspect or request information regarding programs or installations under subparagraphs 72.305(f)(11) and (12) at any time.
 11. Credits:
 - A. Water Quality and Quantity Credit
 1. ERU reduction for the installation of stormwater infiltration practices in accordance with the Iowa Stormwater Manual.

2. ERU reduction will be determined using the below matrix:

% of lot impervious surface area runoff infiltrated in a 1.25" rain event	ERU count reduction
10% to 25% by area	10%
25% to 49% by area	20%
50% to 74% by area	30%
75% to 100% by area	40%

B. Discharge to a Major Waterway Credit

1. ERU reduction for lots that directly discharge to the Cedar River.
2. The credit will be determined by dividing the lot area that discharges directly to the Cedar River by the total lot area, and then dividing that quotient by ten.
3. The maximum allowed ERU reduction will be 10%.

C. Education Credit

1. ERU reduction for lots develop and annually implement a City-approved stormwater educational program.
2. The education credit is required to be renewed annually.
3. The maximum allowed ERU reduction will be 50% for tax-exempt institutions.
4. The maximum allowed ERU reduction will be 25% for all other lots.
5. The amount of reduction allowed will be determined by the City with consideration given to size and type of audience, type of program, and the experience of the program instructor.

E. Zero Discharge Credit

1. ERU reduction for lots that do not discharge any stormwater runoff from the site either directly or indirectly, before, during, or after storms up to and including the 100-year 24-hour storm.
2. An evaluation of the site stormwater discharge must demonstrate that site facilities meet the eligibility requirements of this credit.
3. The maximum allowed ERU reduction will be 75%.

12. Stormwater Best Management Practices (BMP) Cost-Share Program:

- A. A cost-share program is hereby established to incentivize BMPs to reduce stormwater runoff volume for those properties subject to the stormwater utility fee.
- B. Eligible BMPs are generally as specified in the Iowa Stormwater Management Manual (ISWMM). Alternate BMPs not specifically listed in the ISWMM may be considered for eligibility provided BMP:

1. Meets accepted industry standards.
 2. Is recommended for approval by the City Stormwater Official and the Stormwater Commission.
- C. The cost-share program will reimburse up to 50% of a BMP's project cost to the extent funds are available in a given fiscal year.
 - D. Property owners must submit applications on the appropriate forms provided by City and enter into a maintenance agreement to be eligible for funds.
 - E. Priority will be given to those properties in watersheds within the City where high-priority projects have been identified under the Stormwater Master Plan.
 - F. The program will be funded from the Stormwater Utility.
 - G. Applications may require further analysis by a civil engineer retained by the property owner if necessary for the City Stormwater Official to be able to review and recommend approval.

72.306 APPEALS OR ADJUSTMENT OF STORMWATER UTILITY FEES.

- a) Any user who considers any fees imposed by this Chapter or Stormwater Utility Charge to be inaccurate, excessive, or erroneous may request review thereof by the Director.
- b) The determination of the Director shall be in writing and shall be the final decision of the City.

72.307 ANNUAL REVIEW OF STORMWATER UTILITY CHARGE.

Under this Chapter, the Director or designee will review the Stormwater Utility Charge annually and revise the rate as necessary to ensure that the Stormwater Utility generates adequate revenues to meet the costs and expenses for which the charges are collected. The Director shall make recommendations to the City Council as necessary.

72.308 USER NOTIFICATION.

Annually, the City will notify each user of the rates being charged for the Stormwater Utility provided, however, that liability to pay stormwater management charges as provided in this Chapter is not contingent upon such notification. The Director shall determine the means of notification.

72.309 BILLING; PAYMENT; COLLECTION.

The City shall bill each account holder on a schedule compatible with the City Utilities Water Division.

- (a) Collection of Charges. The Director shall bill and collect Stormwater Utility Charges in conjunction with billings for other municipal utility services. An accurate and complete record of such billings and collections shall be maintained and all such funds collected shall be turned over to the City Treasurer.
- (b) Delinquent Date and Penalties. All Stormwater Utility Charges billed and collected by the City Utilities Water Division shall be subject to the same penalties and rules of delinquency and suspension of service as set out for water service in Chapter 12.
- (c) Failure to Pay Stormwater Utility Charges. In addition to other penalties for delinquencies, the City may initiate a lien upon the property served by the Stormwater Utility for all delinquent charges in accordance with Section 384.84 of the Code of Iowa."

Section 2. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of this Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than that provision affected by such decision.

Section 3. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

Section 4. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Cedar Rapids Municipal Code and made a part of said Code as provided by law.

Section 5. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 27th day of February, 2024.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature



Council Agenda Item Cover Sheet

Submitting Department: Public Works

Director Contact: Bob Hammond – r.hammond@cedar-rapids.org – (319) 440-1005

Presenter at Meeting: Robert Davis, P.E., ENVSP

Description of Agenda Item: ORDINANCES – Second and possible Third Readings

Second and possible third reading of an ordinance vacating public ways and grounds of 40-foot wide by 15-foot right-of-way adjacent to 60 16th Avenue SW.

CIP/DID #3018030-00

Council Priority: Strengthen and Stabilize Neighborhoods
EnvisionCR Goal: ConnectCR Goal 4: Improve the function and appearance of our key corridors.

Background: A Public Hearing was held on February 27, 2024 in which no objections were heard, and the 1st reading of the Ordinance was held and passed.

Ordinance No. 046-18 vacated a 40-foot wide by 100-foot parcel of City-owned right-of-way (formerly B Street SW). The Ordinance intended to vacate the 40-foot wide by 15-foot right-of-way adjacent to 60 16th Avenue SW. Due to an inadvertent omission in the legal description, the 40-foot wide by 15-foot wide right-of-way was not recognized by the Linn County Auditor, and therefore, was not successfully vacated. This vacation will allow for this previously separated right-of-way to be incorporated with City-owned property at 60 16th Avenue SW.

Recommended Action: The Public Works Department recommends vacating a 40-foot wide by 15-foot right-of-way adjacent to 60 16th Avenue SW.

Alternative: None

Time Sensitivity: Normal

Resolution Date: March 12, 2024

Budget Information: NA

Local Preference Policy: Not applicable

Explanation:

Recommended by Council Committee: Not applicable

Explanation:

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3018030-00

Prepared By: City of Cedar Rapids 319-286-5060
Return To: City Clerk, 101 First Street SE, Cedar Rapids, IA 52401

ORDINANCE NO. LEG_NUM_TAG

AN ORDINANCE VACATING PUBLIC WAYS AND GROUNDS REGARDING
PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 HEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA,
as follows:

Section 1. That the public ways and grounds in and to the property hereafter described is
permanently vacated:

The 40-foot wide street right-of-way located northeasterly of and adjacent to the northerly
15-feet of Lot 9, Block 2, Anthony, Menary and Fairs Sub-division of Block Fourteen (14)
of L. S. Mays Addition to West Cedar Rapids, Linn County, Iowa

Section 2. That this Ordinance shall be in full force and effect from and after its passage
and publication as provided by law.

Introduced this 27th day of February, 2024.

PASSED_DAY_TAG

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MayorSignature

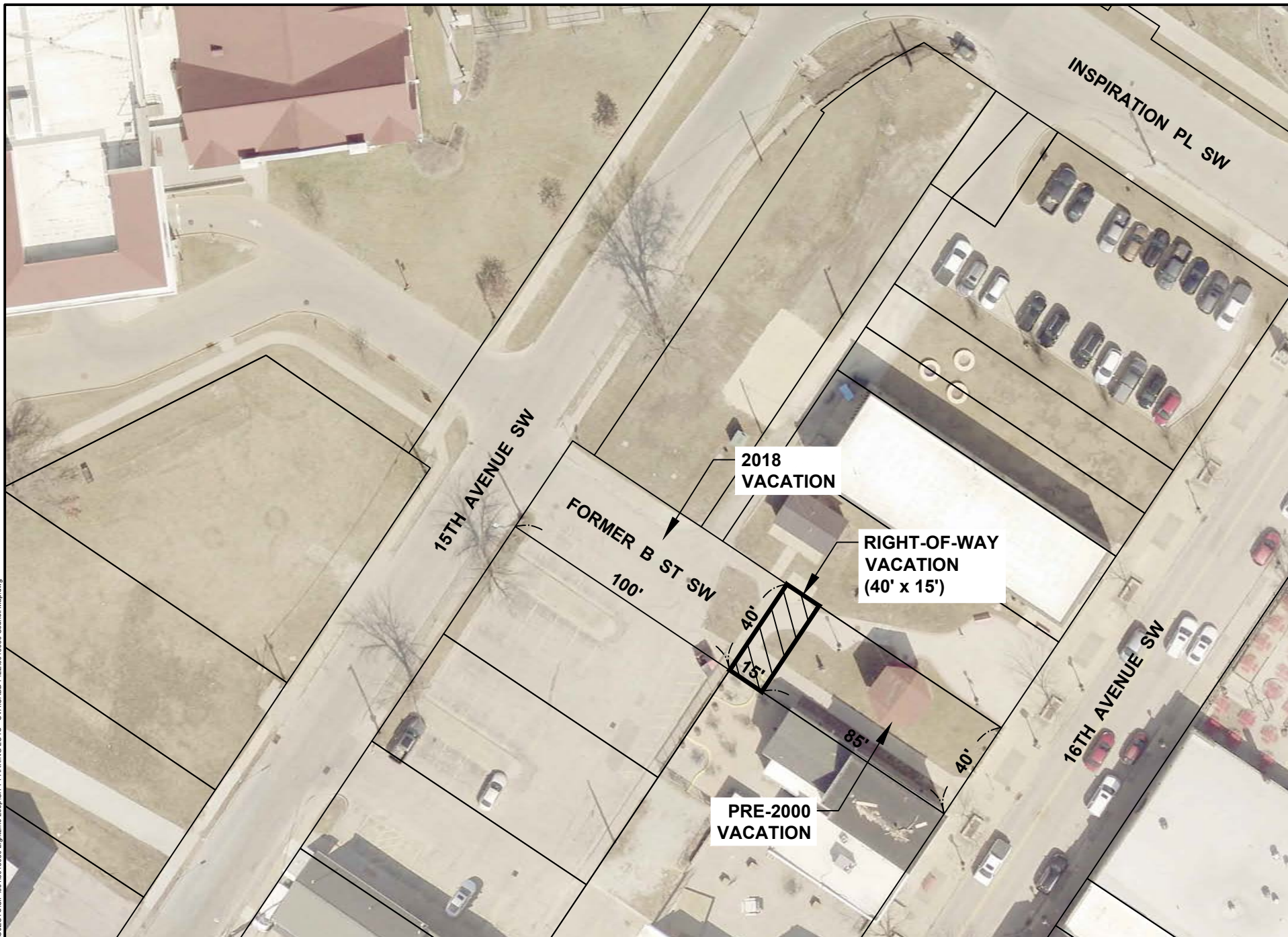
Attest:

ClerkSignature

STATE OF IOWA)
) ss.
COUNTY OF LINN)

I, Alissa Van Sloten, City Clerk of the City of Cedar Rapids, Iowa, do hereby certify that the above and foregoing Ordinance and attached documents are true and authentic documents of the City of Cedar Rapids, as full and complete as the same of record and on file in my office, on this 12th day of March, 2024.

ClerkSignature





Council Agenda Item Cover Sheet

Submitting Department: Development Services

Director Contact: Bill Micheel – w.micheel@cedar-rapids.org – (319) 286-5725

Presenter at Meeting: Bill Micheel

Description of Agenda Item: ORDINANCES – Second and possible Third Readings

Second and possible third ordinance reading to consider a change of zone for property located at 4400 6th Street SW from I-GI (General Industrial) to I-LI/PUD (Light Industrial with a Planned Unit Development Overlay as requested by Sun Line, Inc.

CIP/DID #RZNE-000126-2024

Council Priority: Business-Friendly
EnvisionCR Goal: GrowCR Goal 2: Manage Growth.

Background: This request was reviewed by the City Planning Commission on February 1, 2024 and unanimously recommended for approval. City Council adopted the ordinance on it's 1st Reading on February 27, 2024.

The applicant requests a rezoning to the Light Industrial Zone District with a Planned Unit Development overlay to accommodate the proposed and existing event center and racetrack. The overlay will allow uses that are more commercial in nature to be "permitted", such as indoor and outdoor amusement, a hotel or fuel station. The Future Land Use Map designation for this area is Urban High Intensity.

Two additional readings of the Ordinance by the City Council are required by State law before approval of the rezoning is final.

Recommended Action: City Development Services staff recommend holding the public hearing and an affirmative vote on the first reading of the ordinance.

Alternative: City Council may table this item and request further information.

Time Sensitivity: NA

Resolution Date: NA

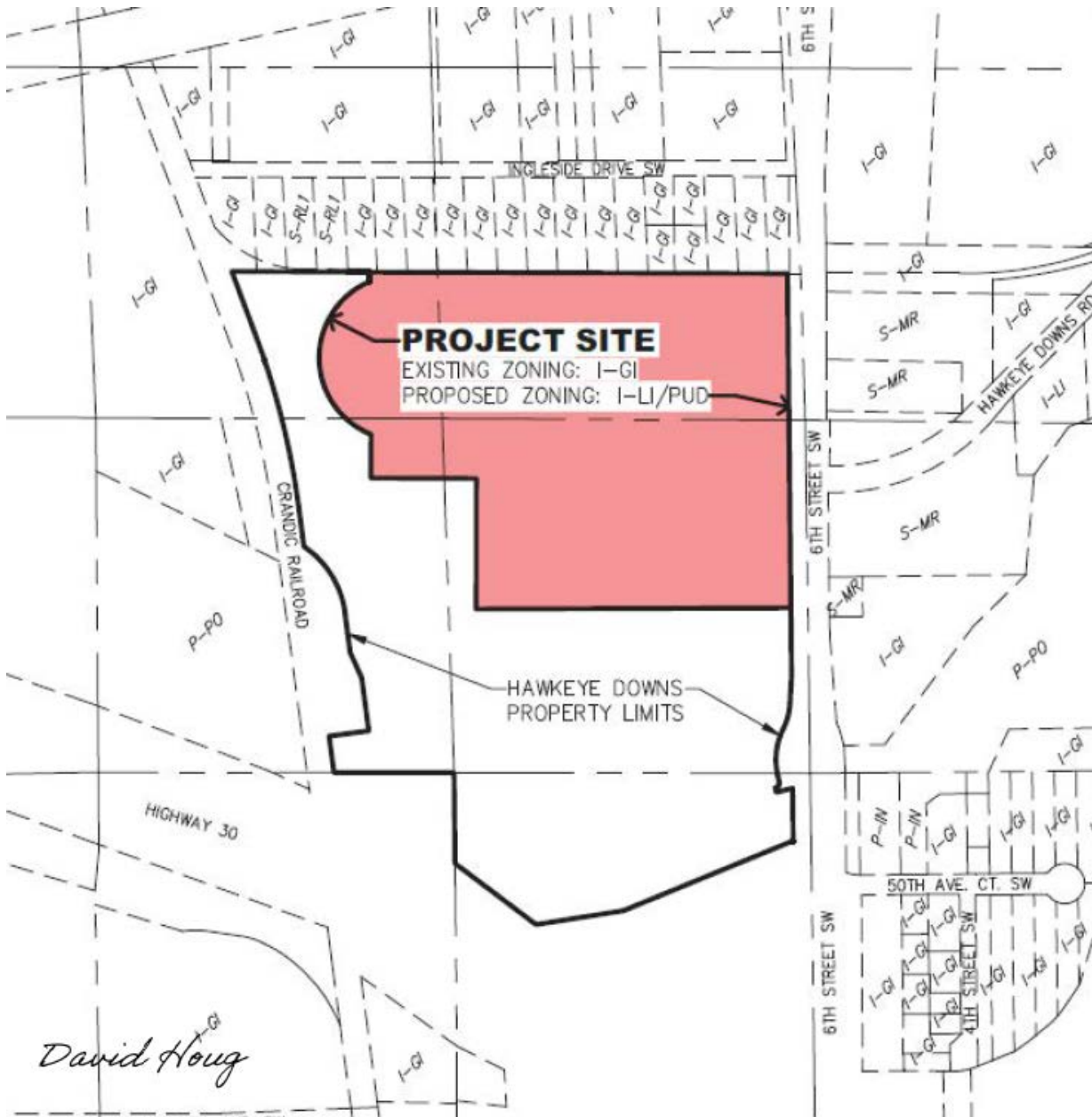
Budget Information: NA

Local Preference Policy: Not applicable

Explanation: NA

Recommended by Council Committee: Not applicable

Explanation: NA



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RZNE-000126-2024

Prepared By: City of Cedar Rapids 319-286-5060
Return To: City Clerk, 101 First Street SE, Cedar Rapids, IA 52401

ORDINANCE NO. LEG_NUM_TAG

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS
AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING
THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN
ON THE "DISTRICT MAP" FOR THE PROPERTY MORE PARTICULARLY
DESCRIBED IN SECTION 1 OF THIS ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA
as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code
of Cedar Rapids, Iowa, being the Zoning Ordinance, that the property described as follows;

That part of Parcel A, Plat of Survey No. 495 described as follows: Commencing at the
Northwest corner of said Parcel A; thence South 89° 39' 59" East 435.38 feet along the
North line of said Parcel A; thence South 89° 49' 00" East 81.52 feet along said North line
to the Point of Beginning; thence continuing South 89° 49' 00" East 1567.97 feet along
said North line to a point on the West right-of-way line of Sixth Street SW; thence South
0° 33' 58" East 1254.79 feet along said West right-of-way line; thence South 89° 46' 59"
West 1180.39 feet; thence North 0° 04' 52" East 489.81 feet; thence North 89° 47' 40"
West 395.62 feet; thence North 0° 21' 10" East 163.64 feet to the beginning of a 310.00-
foot radius curve concave Easterly; thence Northwesterly through a central angle of 135°
14' 48" an arc distance of 731.76 feet (chord bearing North 0° 37' 03" West 573.31 feet);
thence North 0° 11' 00" East 36.07 feet to the Point of Beginning, containing 42.79 acres.

and located at 4400 6th Street SW from I-GI, General Industrial District, to I-LI/PUD, Light
Industrial District with a Planned Unit Development Overlay.

Section 2. That the official zoning map of the city of Cedar Rapids is hereby amended
accordingly and this amendment shall be reflected on the next official zoning map to be signed
and dated by the Mayor and City Clerk and approved and adopted by the City Council.

Section 3. That this Ordinance shall be in full force and effect from and after its
passage and publication as provided by law.

Section 4. Following publication of this Ordinance as provided for by law, the City
Clerk shall certify this Ordinance and the plat of the property described hereinabove, as shown
by Exhibit A attached hereto and by this reference incorporated herein, to the Linn County
Recorder.

Introduced this 27th day of February, 2024.

PASSED_DAY_TAG

LEG_PASSED_FAILED_TAG

MayorSignature

Attest:

ClerkSignature

STATE OF IOWA)
) ss.
COUNTY OF LINN)

I, Alissa Van Sloten, City Clerk of the City of Cedar Rapids, Iowa, do hereby certify that the above and foregoing Ordinance and attached documents are true and authentic documents of the City of Cedar Rapids, as full and complete as the same of record and on file in my office, on this 12th day of March, 2024.

ClerkSignature

Exhibit A

