

**PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF CORALVILLE,  
JOHNSON COUNTY, IOWA SUBJECT TO THE APPROVAL BY THE CORALVILLE  
CITY COUNCIL AT A SUBSEQUENT MEETING**

A Regular Meeting of the City Council of the City of Coralville, Johnson County, IA was held at City Hall, 1512 7<sup>th</sup> Street on Tuesday, June 26, 2018 with Mayor Pro-tem Mitch Gross presiding and was called to order at 6:30 P.M. Live and recorded webcasts of Coralville City Council Meetings are available online at [www.coralville.org/coralvision](http://www.coralville.org/coralvision).

The following Council Members were present: Gross, Gill, Dodds, Goodrich. Absent: Foster.

The following staff was present: City Attorney Don Diehl; City Attorney Kevin Olson; Asst. City Administrator Ellen Habel; City Engineer Dan Holderness; Building & Zoning Official Jim Kessler; Director of Finance Tony Roetlin; Police Lieutenant Deb Summers; Director of Transit & Parking Vicky Robrock; Director of Parks & Recreation Sherri Proud; Telecommunications Assistant Katy Hoffer; Telecommunications Assistant Gavin Greer; City Clerk Thorsten J. Johnson.

Motion by Gill, seconded by Gross to approve the agenda with the removal of item 13b. Ayes: 4. Absent: 1.

Votes are 4 Ayes and 1 Absent for Motions, Resolutions and Ordinances unless otherwise noted.

Resident Maureen McCormick address the Council during citizen comments about Mediacom leaving an unburied cable on her property and not having an easy way to contact the company locally. This is the second time the company had done this and last time it took 8 months to resolve. She reported last time it took contacting the Iowa Attorney General's office to get this resolved and she has already don that this time. City Attorney Kevin Olson told the Council he and Storm Water Coordinator Amy Foster are working to facilitate resolving the issue. Olson added the State took away the City's franchising rights so it is harder to hold cable companies accountable. Councilperson Tom Gill added the City is aware of the problem with Mediacom and how hard it is to contact them. McCormick asked if the City could somehow get a list of reliable local contact numbers for cable and other utility companies.

Board Member Melissa Mandernach of the Coralville Community Food Pantry gave the Council their monthly report. In May the Pantry had 837 visits serving 395 families and 1,475 individuals 30,057 pounds of food. Mandernach thanked the Council for their support and asked people to participate in the following upcoming events and they can get more information from their website. The events include "Christmas in July," "Kiwani's 4<sup>th</sup> of July Pancake Breakfast," a Hy-Vee food drive on July 7<sup>th</sup>, a New Pi food drive on July 28<sup>th</sup>, and Wiffle Ball Tournament on July 28<sup>th</sup>.

**1710 COMMERCIAL PARK**

**ORDINANCE NO. 2018-1010** An ordinance amending the Coralville Zoning Ordinance, the same being Ordinance No. 664, as previously amended, rezoning certain property located within the corporate limits of the City of Coralville, Johnson County, Iowa, and generally known as 1710 Commercial Park or IDNA Subdivision – Part Three from I-2, Light Industrial District, and C-2, Arterial Commercial District, to I-PUD-1, Industrial Planned Unit Development District, was introduced by Gross, seconded by Goodrich for 3<sup>rd</sup> and final consideration. A roll call vote was taken. Ordinance declared adopted after its publication as required by law.

**RESOLUTION NO. 2018-131**

Resolution approving the PUD-B Site Plan for Integrated DNA Technologies Additions, Coralville, Iowa was introduced by Gill, seconded by Dodds. A roll call vote was taken. Resolution declared adopted.

**RIVERVIEW PLAZA – PARTS ONE & TWO**

**RESOLUTION NO. 2018-132**

Resolution approving the Amended Preliminary Plat for Riverview Plaza, Parts One & Two, Coralville, Iowa was introduced by Dodds, seconded by Gill. A roll call vote was taken. Resolution declared adopted.

### **RESOLUTION NO. 2018-133**

Resolution approving the Final Plat for Riverview Plaza – Part Two, Coralville, Iowa was introduced by Goodrich, seconded by Dodds. A roll call vote was taken. Resolution declared adopted.

### **IOWA RIVER LANDING REINVESTMENT DISTRICT**

**ORDINANCE NO. 2018-1009** an ordinance establishing the Iowa River Landing Reinvestment District pursuant to Chapter 15J of the Code of Iowa, was introduced by Gross, seconded by Goodrich for 3<sup>rd</sup> and final consideration. A roll call vote was taken. Ordinance declared adopted after its publication as required by law.

### **MASSAGE THERAPY BUSINESS ESTABLISHMENTS**

After the ordinance was read, City Attorney Kevin Olson reported several people wished to address the Council about this ordinance. Coralville resident Ralph Stevens, who has been a practicing massage therapist for the last 32 years and fighting prostitution in the guise of message therapy. Stevens helped write the State code that licensed massage therapy and served on the initial Board of Massage Therapy and was secretary and Chair of the Board. Stevens stated even though he is all for fighting prostitution he wanted the Council to know his profession is not the problem, but prostitution and human trafficking is and writing a law that burdens massage therapy businesses is not the way to go. Stevens was concerned how fast Coralville is passing this ordinance without notifying the public and massage therapy business/professionals or getting any input. Stevens added there are loopholes in the ordinance and limiting hours of operation to 6:00 A.M. to 10:00 P.M. will just change the hours of prostitution and not hurt it. Sports teams and performing acts that will be using the arena normally have message therapy after 10:00 P.M. Owner Lisa Troughton of Peaceful Nature Massage in Coralville has been open 12 years and she is concerned by the numerous loopholes in the ordinance. Troughton stated she would like to have more time to work with law enforcement to come up with an ordinance that makes sense and works. Olson reported this has become an issue in Coralville and the City has received numerous complaints and had one suspect business behind Hy-Vee that has since moved. The City's ordinance is based on the one in Johnston, Iowa written by some of their officers that has been in effect since 2016. Olson has reviewed several ordinances some of which were more or less restrictive. Olson has no issue with meeting with people to discuss the ordinance and let the Police Department inform them what is effective. Olson noted there are some changes he needs to make anyway like lowering the insurance requirement that is too high for the industry according to an insurance agent he spoke with. The time element is another issue. Olson suggested having the first reading and making amendments to the ordinance. Councilperson Tom Gill noted the City is just trying to find out who is operating legitimately in the City and they are not charging a fee for it. Olson added the City would inspect the business once and then send a notice once a year to make sure their employee list is current and they provide the necessary information for new employees. They mostly want to register new businesses as they come in. Councilperson Jill Dodds commented 10 years ago the City went through the same issues when they were passing an ordinance on child care facilities. Dodds stated she runs a child care business and they wanted to crack down on businesses that were negligent, and it began with adding a lot of paperwork and not cracking down on those businesses that neglected children and she fought to not have anything go forward until the wording was right and that is how she feels with this ordinance. Dodds considers the message therapy business owners the experts and they should participate in the process while she will not tolerate prostitution but she wants a properly worked ordinance without loopholes. Asst. City Administrator Ellen Habel noted prostitution is hard to prosecute because you have to identify it and catch them in the act while not placing undo burden on legitimate business. Any ordinance that is passed though will need to have multiple measures to make sure the Police Department has the tools it needs to enforce the ordinance and just proving everyone has state licenses will not work. Police Lieutenant Deb Summers agreed with Habel you need several steps including background checks or people will find a way around it. Summers added Johnston, Iowa has informed her their ordinance has been very effective because it

covers all bases. Gill stated he is comfortable with doing the first step of permitting. Mayor Pro-tem Mitch Gross noted there is more involved with this ordinance than permitting, the State already does licensing and the Council has not had an opportunity to really discuss this ordinance. Habel added more complaints have been received recently, the City has been meaning to get this done for a while and the complaints are getting more urgent and serious so staff feels this is the time to get something done. When Olson and Habel were asked about enforcement they responded those businesses that did not comply would be shut down but Police and staff would work with those wanting a permit before taking that step. Olson added this will give the City a process to inspect these businesses and even though the State licenses them they do not have the staff to adequately inspect them. After discussion it was agreed to proceed with the first reading remove the 2<sup>nd</sup> and 3<sup>rd</sup> readings and have a discussion of the ordinance at the July 10<sup>th</sup> Work Session. Staff, those affected by the ordinance and law enforcement will discuss the ordinance and possibly amend it before the work session rather than remove the item entirely and start from scratch. A vote on the 2<sup>nd</sup> and 3<sup>rd</sup> readings would take place July 24<sup>th</sup>. Nothing is final or will be put into action until the third reading of the ordinance. After the 1<sup>st</sup> reading of the ordinance was approved Olson agreed he will contact the business owners present and let the Council know when a meeting will take place between business owners, staff and law enforcement.

**ORDINANCE NO. 2018-1011** adding Chapter 133 of the Code of Ordinances of the City of Coralville (2011), as previously amended, regarding Massage Therapy Business Establishments, was introduced by Gill, seconded by Goodrich for 1<sup>st</sup> consideration. A roll call vote was taken. Ayes: Goodrich, Gross, Gill. Nays: Dodds. Absent; Foster. Motion carried

Motion by Gill, seconded by Dodds to delete items 8b.-8d. from the agenda. Motion carried.

Motion to suspend the rules and collapse the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Ordinance 2018-1011. <DELETED> Consider **ORDINANCE NO. 2018-1011** adding Chapter 133 of the Code of Ordinances of the City of Coralville (2011), as previously amended, regarding Massage Therapy Business Establishments for **2<sup>nd</sup> consideration**. <DELETED>

Consider **ORDINANCE NO. 2018-1011** adding Chapter 133 of the Code of Ordinances of the City of Coralville (2011), as previously amended, regarding Massage Therapy Business Establishments for **3<sup>rd</sup> and final consideration**. <DELETED>

### **STORM WATER PUMP STATIONS 7 & 8 MODIFICATIONS 2017**

#### **RESOLUTION NO. 2018-134**

It was noted Amendment No. 4 was not to exceed \$9,700.00.

Resolution approving Amendment No. 4 to the Professional Services Agreement with HR Green, Inc. for the Storm Water Pump Stations 7 & 8 Modifications 2017 was introduced by Dodds, seconded by Gill. A roll call vote was taken. Resolution declared adopted.

Motion by Dodds, seconded by Gill to approve Change Order #6: +\$5,799.37; Pay Estimate #9: \$72,235.76; and Pay Estimate #10 FINAL: \$23,594.36; to **WRH, Inc.** for Storm Water Pump Stations 7 & 8 Modifications 2017. Motion carried.

#### **RESOLUTION NO. 2018-135**

After the resolution was read, Habel noted this will be one of the last actions the Council will make on flood mitigation issues related to the Flood of 2008 and she congratulated them on this milestone just 10 years after the flood and spending over \$70 million of mostly grant money. The City is now protected up to levels 1 foot above the Flood of 2008. Gross congratulated the City staff who worked so hard during and after the flood. It was noted the retainage of \$129,298.03 is due in 30 days.

Resolution accepting the Storm Water Pump Stations 7 & 8 Modifications 2017 as substantially completed was introduced by Goodrich, seconded by Dodds. A roll call vote was taken. Resolution declared adopted.

**IOWA ARENA AND PERFORMANCE CENTER**

It was noted Supplemental Agreement No. 1 is not to exceed \$12,500.00.

**RESOLUTION NO. 2018-136**

Resolution approving Supplemental Agreement No. 1 with Shive-Hattery, Inc. for Iowa Arena Site Civil Services was introduced by Gross, seconded by Goodrich. A roll call vote was taken. Resolution declared adopted.

**WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT**

It was noted this Construction Agreement is not to exceed \$294,000.00.

**RESOLUTION NO. 2018-137**

Resolution approving a Construction Agreement with Peterson Contractors, Inc. to remove excess materials from the Public Works location in preparation of the Wastewater Treatment Plant Improvements Project was introduced by Gill, seconded by Goodrich. A roll call vote was taken.

**BONDS**

It was noted the public hearing will be July 10, 2018.

**RESOLUTION NO. 2018-138**

Resolution to fix a date for a public hearing on not to exceed \$35,000,000.00 General Obligation Urban Renewal Loan Agreements was introduced by Dodds, seconded by Gill. A roll call vote was taken. Resolution declared adopted.

**MOTION BY GROSS APPROVE CONSENT CALENDAR AS AMENDED items a-qq, removing item b:**

- a) Approve minutes for the June 12, 2018 Coralville City Council Regular Meeting.
- b) Approve Retail Cigarette/Tobacco/Nicotine/Vapor Permit Applications for Fiscal Year 2019. (See Memo) <REMOVED>
- c) Approve **new** Special Class C Liquor License (Beer/Wine) with Sunday Sales and Outdoor Service privilege for **High Ground Café**: Eff. 06/01.
- d) Approve Special Class C Liquor License (Beer/Wine) with living quarters privilege and Sunday Sales for **Country Inn & Suites**: Eff. 06/01.
- e) Approve Special Class C Liquor License with Sunday Sales for the **Coralville Center for the Performing Arts**: Eff. 07/11.
- f) Approve Class C Beer Permit with Native Wine Permit and Sunday Sales for **Home2 Suites by Hilton**: Eff. 7/11.
- g) Approve Class B Liquor License with Carryout Wine and Sunday Sales for **Residence Inn**: Eff. 07/15.
- h) Approve Class C Liquor License with Brew Pub, High Proof Brew Pub and Sunday Sales for **Guild**: Eff. 7/17.
- i) Approve Class C Liquor License with Outdoor Service and Sunday Sales for **30hop**: Eff. 07/18.
- j) Approve Class C Beer Permit with Sunday Sales for **Hy-Vee Gas**: Eff. 07/19.
- k) Approve payment to **Saflok** for Coralville Marriott Hotel & Conference Center FF&E Invoice for RFID Lock System install/upgrade parts:
  - i) Order #SO-782977 \$150.00
  - ii) Order #SO-796573 \$509.33
  - iii) Order #SO-782977 \$10,264.00
  - iv) Order #SO-782977 \$5,586.00

- v) Order #SO-782977 \$5,710.00
- l) Approve payment to **Neumann Monson Architects** for IRL Drury Parking Ramp Project (#23): \$6,560.00.
- m) Approve payment to **Stafford Sports, LLC** for Iowa Arena and Performance Center Consulting and Administrative Fees and reimbursable expenses (#06118-03): \$28,106.23.
- n) Approve payment to **Creative Software Services** for:
  - i) 2 Dell Poweredge R740s for the Cherubs for the Library (#TT\_1920) \$38,004.12
  - ii) Consulting Services Desktop Support Parking Facilities (#16501) \$70.55
  - iii) Building & Engineering Department Permit Software (#16502) \$1,541.47
- o) Approve payment to **Novogradac & Company, LLP** for professional financial services for the New Market Tax Credits for the Iowa Arena & Performance Center (#10416231): \$6,123.25.
- p) Approve payment to **Corridor Media Group** for the Corridor Flood Recovery Book (#2018-21565): \$15,000.00.
- q) Approve payment to **JLG Architects** for the Iowa Arena and Sports Performance Center architectural services and reimbursable expenses (#15012-17): \$6,290.00.
- r) Approve payment to the **Johnson County Historical Society** for:
  - i) Town Hall Management Fee (#17) \$5,000.00
  - ii) Museum & Schoolhouse Appropriation (#18) \$17,500.00
- s) Approve payment to **The Truck Shop** for repairing Fire Truck #74 engine (#2583.4): \$33,080.36.
- t) Approve payment to **Country Landscapes, Inc.** for North Ridge Park outcropping stone slabs (#0099061-IN): \$33,416.80.
- u) Approve payment to **Sitler's Supplies, Inc.** for replacing gym lights with LED lights (#6596194): \$12,168.00.
- v) Approve payment to **Veenstra & Kimm, Inc.** for:
  - i) WWTP Improvements 2017 – General Services (#2) \$2,700.00
  - ii) NE Annexation Area Water System Improvements – Residential (#3) \$498.00
  - iii) 10<sup>th</sup> Street Water Tower Verizon Antenna Installation (#4) \$225.09
- w) Approve payment to **Nutri-Ject Systems, Inc.** for WWTP biosolids transferred and land applied (#6795): \$28,108.60.
- x) Approve payment to **HR Green, Inc.** for:
  - i) Coral Ridge Avenue Phase 2 Design Phase Services (#119030) \$78,546.63
  - ii) Storm Water Pump Stations 7 & 8 Modifications 2017 (#118970) \$11,840.18
- y) Approve payment to **Terracon Consultants, Inc.** for:
  - i) 1<sup>st</sup> Avenue Improvements – 9<sup>th</sup> St. to 6<sup>th</sup> St. (#TA55294) \$2,042.00
  - ii) Water Treatment Plant Improvements (#TA53572) \$580.00
  - iii) Iowa Arena (#TA55675) \$612.00
  - iv) Storm Water Pump Stations 7 & 8 Modifications 2017 (#A55527) \$692.50
- z) Approve payment to the **East Central Iowa Council of Governments** for resiliency (storm water) administration (#8298): \$697.50.
- aa) Approve payment to **Maxwell Construction** for Emergency Sanitary Sewer Repair at Coral Ridge Avenue & Commerce Drive (Pay Application #1): \$49,238.89.
- bb) Approve payment to **Snyder and Associates** for Clear Creek Trail Phases 6 & 7 (#116.0957.08-10): \$47,977.22.
- cc) Approve payment to **LL Pelling Co.** for NE Water System Improvements (#20234): \$2,255.00.
- dd) Approve payment to **ProCircular, Inc.** for network consulting (#1199): \$7,250.00.
- ee) Approve payment to **JDM Concrete** for Sidewalk Project 2017 (Zone 3) (#902): \$1,122.00.
- ff) Approve payment to **Linn County REC** for work on Oakdale Blvd. and Coral Ridge Avenue Traffic Signals (#2018153): \$1,850.00.
- gg) Approve payment of Iowa River Landing Invoice as approved by Oliver McMillan, LLC to **Hodge Construction** for:
  - i) Trader Joes Tenant Improvements - Downspout (#290) \$10,557.46
  - ii) Trade Joes Tenant Improvements – Change Orders (#296) \$4,385.88

- hh) Approve payment of Iowa River Landing Invoice as approved by Oliver McMillan, LLC to **River Landing Restaurant Company, LLC** for Marquee Pizzeria Tenant Improvements – move gas, electrical and HVAC from chase (#100): \$20,158.00.
- ii) Approve payment of Iowa River Landing Invoice as approved by Oliver McMillan, LLC to **Watts Group Construction** for Lululemon Tenant Improvements – Shades (#ILRLulu): \$4,908.44.
- jj) Approve payment to **Oliver McMillan, LLC** for reimbursable expenses (#012RQS061518): \$3,145.00.
- kk) Approve Change Order #8: +\$11,024.00; and Pay Application #10: \$228,689.00; to **Knutson Construction Services** for the IRL Drury Parking Ramp Project.
- ll) Approve Change Order #2 to **Iowa Bridge & Culvert** for Clear Creek Trail Phases 6 & 7: +\$4,577.55.
- mm) Approve Pay Estimate #4 to **Langman Construction** for 1<sup>st</sup> Avenue Improvements – 6<sup>th</sup> St. to 9<sup>th</sup> St.: \$703,329.04.
- nn) Approve Change Order #1 to **Miron Construction, Inc.** for Wastewater Treatment Plant Improvements: -\$347,000.00.
- oo) Accept quotations and approve contract with **Kornegay Design a landscapeforms company** for the Town Center Planter Project: \$69,423.00.
- pp) Approve May 2018 Treasurer's Report.
- qq) Approve Bill List for June 26, 2018.

Seconded by Dodds. A roll call vote was taken. Motion carried.

Motion by Dodds, seconded by Gill to approve Retail Cigarette/Tobacco/Nicotine/Vapor Permit Applications for Fiscal Year 2019 removing La Lapita and La Place from the list of establishments to be approved in the memo. A roll call vote was taken. Motion carried.

Receipts for the month of May were General: \$2,327,261.99; Road Use: \$261,530.41; Police Grant: \$4,981.03; Employee Benefits: \$109,950.32; Iowa River Landing Operation: \$212,907.48; TIF-12<sup>th</sup> Avenue: \$1,317,746.90; TIF-Oakdale: \$234,014.95; TIF-Mall/Hwy 6: \$1,056,994.82; Debt Service: \$29,008,956.54; Rental Properties: \$19,600.14; Iowa River Landing: \$11,216,516.50; 1<sup>st</sup> Avenue Area: \$2,495,595.55; Trail Improvements: \$137,776.05; Flood Mitigation: \$5,081,347.55; Trust & Agency: \$27,932.44; Perpetual Care: \$400.00; Water: \$255,372.43; Sewer: \$341,001.66; Parking: \$334,476.35; Solid Waste: \$109,312.45; Transit: \$115,264.30; Storm Water: \$42,259.90; Hotel: \$641,044.99. Total receipts for May 2018 were \$59,652,244.75 and of this \$2,252,301.63 were property tax.

City Engineer Dan Holderness reported progress has been slow due to rain on the Coral Ridge and 1<sup>st</sup> Avenue Improvements projects but has continued. On 1<sup>st</sup> Avenue Improvements – 6<sup>th</sup> Street to 9<sup>th</sup> Street they are continuing to install underground utilities with the water main being completed and testing taking place this week and connections starting next week after the testing. Paving for the 1<sup>st</sup> Avenue and 6<sup>th</sup> Street Intersection has been delayed until next week if the weather cooperates. On the Coral Ridge Avenue Project, the Oakdale Boulevard and Coral Ridge Avenue Intersection opening has been delayed until July 3<sup>rd</sup> because of equipment failure. They have installed the box culvert under Coral Ridge Avenue north of Oakdale Boulevard and are proceeding with grade preparation in anticipation of paving the road along with continuing storm water and water utilities. Both projects are on schedule.

Asst. City Administrator Ellen Habel reported you can now buy fireworks in Coralville due to changes in the State Law but you still cannot fire them off in Coralville. With the Holiday coming up next week there will be regular trash pickup on Monday and Tuesday but Wednesday and Thursday trash pickup will be a day late. The annual 5K will be Saturday to start the 4thFest activities most of which will occur in S.T. Morrison Park. Kevin Burt will start the free concerts on July 3<sup>rd</sup> at 6:30 P.M. with Rick Springfield at 8:00 P.M. The parade will be at 10:00 A.M. on July 4<sup>th</sup> and the Community Band will play at 8:30 P.M. with fireworks starting at dark. The City appreciates everyone that helps with 4<sup>th</sup>Fest and looks forward to seeing everyone there. Most events are free and there is a lot more going, so check [www.coralville.org](http://www.coralville.org) for more information.

City Attorney's Don Diehl and Kevin Olson had nothing to report.

Mayor Pro-tem Mitch Gross encouraged everyone, especially those new to the community to attend the 4<sup>th</sup> of July activities because no one does it better than Coralville and the fireworks are the best in the State. Gross asked if an Affordable Housing discussion can be on the July 24<sup>th</sup> agenda.

Councilperson Tom Gill reported he spoke with Mediacom today and they are having some issues with service in certain areas. Gill encouraged people to contact them if they are having problems.

Councilperson Jill Dodds reported the Parks & Recreation Commission had their meeting during the Farmer's Market in the S.T. Morrison Park shelter and they spoke to seniors about current programming and what they would like to see in the future. They received some good input. Dodds wished everyone a Happy 4<sup>th</sup>.

Councilperson Laurie Goodrich reported the CCPA had their "Change of Seasons" event on Sunday to celebrate upcoming events for next year. "Aladdin Jr." will be June 29<sup>th</sup> through July 1<sup>st</sup> with tickets for \$13 to \$19 at the ticket office and a lot of local children are involved.

Motion by Gill, seconded by Dodds to adjourn at 7:35 P.M. Motion carried.

Mitch Gross, Mayor Pro-tem

Thorsten J. Johnson, City Clerk