

MINUTES OF THE CITY COUNCIL  
CITY OF CEDAR RAPIDS, IOWA

March 25, 2009, 5:30 PM

Council met in regular session in the AEGON USA Auditorium, 4333 Edgewood Road NE. Present Mayor Halloran, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields and Wieneke. Also present were City Manager Prosser and City Attorney Flitz. Absent Council member Vernon.

The invocation was given by Police Chaplain Ken Glandorf.

Public comments were heard.

Council member Podzimek moved to approve the agenda; seconded by Council member McGrane. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke and Mayor Halloran. Motion carried.

A public hearing was held to consider the Section 8 Housing Choice Voucher (HCV) Annual Public Housing Agency Plan (PHA), the revisions to the Administrative Plan which includes the Family Self-Sufficiency Action Plan and the Homeownership Option Plan. Comments were heard. No objections were heard or filed.

A public hearing was held to consider a change of zone for property at 3031 Williams Parkway SW from C-3 Regional Commercial Zone District to RMF-1 Multiple Family Residence Zone District as requested by Cedar Pond Townhomes, L.P. and Williams Boulevard Development Group, L.C. (flood) Comments and objections were heard and filed.

Ordinance No. \_\_\_\_\_, being an Ordinance granting a change in zone for property at 3031 Williams Parkway SW from C-3 Regional Commercial Zone District to RMF-1 Multiple Family Residence Zone District as requested by Cedar Pond Townhomes, L.P. and Williams Boulevard Development Group, L.C., was presented and read the first time.

Council member Fagan moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection as required by law, to be considered for action at a later date; seconded by Council member Podzimek.

Approved, Ayes, Council member Fagan, Gulick, Podzimek, Shey, Wieneke and Mayor Halloran.

Nay, Council members McGrane and Shields.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Cedar Rapids WPCF Indian Creek Lift Station Corrosion Repairs project (Engineer's estimate of cost is \$342,000). No comments or objections were heard or filed.

0240-03-09, adopting plans, specifications, form of contract and estimated cost for the Cedar Rapids WPCF Indian Creek Lift Station Corrosion Repairs project.

Council members Podzimek moved to adopt the following motions; seconded by Council member Fagan. All motions were adopted with all council members and Mayor Halloran voting "Aye" unless noted. Motions carried.

Motion to approve minutes.

Motions setting public hearing/hearing dates for:

- a. April 8, 2009 – to consider amending Chapter 12 of the Municipal Code, Water Service, by repealing existing rates and establishing new rates;
- b. April 8, 2009 – to consider amending Chapter 13 of the Municipal Code, Wastewater Facilities, by repealing existing rates and establishing new rates;
- c. April 8, 2009 – to consider amending Chapter 24 of the Municipal Code, Solid Waste, by repealing existing rates and establishing new rates;
- d. April 22, 2009 – to consider an amendment to the FY08 Community Development Block Grant (CDBG) Annual Action Plan allowing Taylor Area Neighborhood Association (TANA) to utilize their previously approved CDBG grant at a temporary location of 1203 3<sup>rd</sup> Avenue SW due to flood damage at their previously approved location at Taylor School; (flood)
- e. April 22, 2009 – to consider allowing a 30-day public review and comment period (March 28-April 27) to obtain citizen comments concerning a draft FY09 Annual Action Plan with proposed budget allocations for the Federal Community Development Block Grant (CDBG) and HOME Investment Partnership Programs; and
- f. April 8, 2009 – Hearing to consider the denial of the beer/liquor/wine renewal application of Brick's Bar & Grill, 320 2<sup>nd</sup> Street SE.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for April 8, 2009 and advertising for bids by publishing notice to bidders for the Water Division Access Control and Video Surveillance project and

authorizing the Utilities Director, or designee, to receive and open the bids and publicly announce the results on April 30, 2009 (Engineer's estimate of cost is \$772,000.00).

Motion approving the beer/liquor/wine applications of:

- a. Buffalo Wild Wings Grill & Bar, 2210 Edgewood Road SW;
- b. Ellis Golf Course, 1401 Zika Avenue NW;
- c. Fat Wally's, 429 2<sup>nd</sup> Avenue SE;
- d. All Iowa Ag Assn, Hawkeye Downs Bingo Hall, 4400 6<sup>th</sup> Street SW;
- e. All Iowa Ag Assn, Hawkeye Downs Expo Hall, 4400 6<sup>th</sup> Street SW;
- f. All Iowa Ag Assn, Hawkeye Downs Grand Stand, 4400 6<sup>th</sup> Street SW;
- g. All Iowa Ag Assn, Hawkeye Downs South Arena, 4400 6<sup>th</sup> Street SW;
- h. Hawkeye Downs Sinclair, 4713 6<sup>th</sup> Street SW;
- i. Hy-Vee Drugstore #1, 1520 6<sup>th</sup> Street SW;
- j. Hy-Vee Drugstore #2, 1440 32<sup>nd</sup> Street NE;
- k. Hy-Vee Gas #7, 3935 Blairs Ferry Road NE;
- l. Jersey's Pub & Grub, 5761 C Street SW;
- m. Shawn Ryan Irish Pub, 715 2<sup>nd</sup> Avenue SE;
- n. Tait Cummins Sports Complex, 3000 C Street SW;
- o. Tomaso's Pizza, 212 Edgewood Road NW; and
- p. Twin Pines Golf Course, 3800 42<sup>nd</sup> Street NE.

Motion assessing a civil penalty in the amount of \$500.00 for violation of State Code

regarding the sale of alcohol to minors against Gilligan's, 912 1<sup>st</sup> Avenue NW.

Motions (3) assessing civil penalties in the amount of \$300.00 for first violations of State

Code regarding the sale of cigarettes to minors against:

- a. Moose McDuffy's, 834 1st Avenue NE;
- b. Casey's General Store #2778, 201 8th Avenue SE; and
- c. Hy-Vee Drugstore #5, 2001 Blairs Ferry Road NE.

Resolutions were adopted with all Council members and Mayor Halloran voting "Aye"

unless noted:

0241-03-09, approving bills

0242-03-09, approving payroll.

0243-03-09, appointing Richard Davis (effective through June 30, 2010), Michael Dryden

and Marion Patterson (effective through June 30, 2011), and Sam Shea and Stacie Johnson (effective through June 30, 2012) to the Storm Water Commission.

0244-03-09, intent to assess for Solid Waste & Recycling clean up costs at 4 properties.

0245-03-09, intent to assess for Utilities Department delinquent municipal utility bills at 20 properties.

0246-03-09, levy assessments for Utilities Department delinquent municipal utility bills at 23 properties.

0247-03-09, authorizing Transit purchase of four 35 foot Gillig heavy-duty low floor buses from Gillig Corporation for a total amount of \$1,405,012.00.

0248-03-09, authorizing execution of Change Order No. 3 in the amount of \$81,273.19 with Story Construction Co. for the Anaerobic Reactor FRP Replacement project (total contract price with this change order is \$488,326.82).

0249-03-09, awarding and approving contract in the amount of \$83,847.00 plus incentive up to \$875.00, bond and insurance of TJ Construction Unlimited, Inc. for the FY 2009 Sidewalk Repair Program – Contract No. 2 (Engineer’s estimated cost is \$106,000).

0250-03-09, approving a Purchase Agreement in the amount of \$17,200.00 and accepting an Easement for Storm Sewer and Storm Water Drainage, an Easement for Utilities and a Temporary Grading Easement for Construction from GTO Investments, LLC from property at 5203 16<sup>th</sup> Avenue SW in connection with the 18<sup>th</sup> Avenue SW pavement reconstruction project.

0251-03-09, approving a Purchase Agreement in the amount of \$6,100.00 and accepting an Easement for Utilities and a Temporary Grading Easement for Construction from JC Enyart Realty, L.L.C. from property at 5173 18<sup>th</sup> Avenue SW in connection with the 18<sup>th</sup> Avenue SW pavement reconstruction project.

0252-03-09, approving a Purchase Agreement in the amount of \$7,100.00 and accepting an Easement for Utilities and a Temporary Grading Easement for Construction from D.F. Driscoll, Inc. from property at 5325 18<sup>th</sup> Avenue SW in connection with the 18<sup>th</sup> Avenue SW pavement reconstruction project.

0253-03-09, approving a Purchase Agreement in the amount of \$12,900.00 and accepting an Easement for Sanitary Sewer, an Easement for Utilities and a Temporary Grading Easement for Construction from Autumn Ridge, LLC from property at 5137 18<sup>th</sup> Avenue SW in connection with the 18<sup>th</sup> Avenue SW pavement reconstruction project.

0254-03-09, approving a Purchase Agreement in the amount of \$1.00 and accepting a Warranty Deed, Easement for Drainage and Temporary Grading Easement for Construction from Four Oaks Family and Children's Services from property at 45 Miller Avenue SW in connection with the Kirkwood Boulevard SW from Kirkwood Court SW to Highway 30 and Miller Avenue SW Re-Alignment project.

0255-03-09, approving a Purchase Agreement in the amount of \$1.00 and accepting a Warranty Deed, Easement for Drainage and Temporary Grading Easement for Construction from Four Oaks Family and Children's Services from property at 5400 Kirkwood Boulevard SW in connection with the Kirkwood Boulevard SW from Kirkwood Court SW to Highway 30 and Miller Avenue SW Re-Alignment project.

0256-03-09, approving a Purchase Agreement in the amount of \$210.00 and accepting a Temporary Grading Easement for Construction from Affordable Self Storage Partnership from property at 5141 16<sup>th</sup> Avenue SW in connection with the 18<sup>th</sup> Avenue SW pavement reconstruction project.

0257-03-09, approving a supplemental Agreement with JAKO, LLC in the final amount of \$21,289.45 for additional costs settled through mediation related to the parking lot reconstruction and consultant fee for parking lot design in connection with the Council Street NE from Bridge over Dry Creek to 74<sup>th</sup> Street NE project.

0258-03-09, authorizing execution of Amendment No. 1 to the Professional Services Agreement with Snyder & Associates, Inc. specifying an increased amount not to exceed \$19,385.00 for engineering design services in connection with the 1<sup>st</sup> Avenue East from 17<sup>th</sup> Street SE to Cottage Grove Avenue SE Pavement Rehabilitation and Sanitary Sewer Replacement project.

0259-03-09, approving a Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. specifying an increased amount not to exceed \$166,290.00 for design services covering eight Capital Improvements Projects (including 3 federal-aid

grant projects) in connection with the Williams Boulevard SW Signal and Operational Improvements project.

0260-03-09, approving Fleet Services purchase of two yard waste trucks and two recycling trucks from Harrison Truck Center for the total amount of \$854,752.00.

0261-03-09, approving Fleet Services purchase of one wheeled excavator from Rexco Equipment, Inc. for the total amount of \$194,989.00. (flood)

0262-03-09, amending Resolution No. 0648-08-08 to increase the contract for environmental services with EFI Global for an amount not to exceed \$200,000.00.

0263-03-09, accepting a Letter of Agreement with Neel-Schaffer, Inc. for flood related debris monitoring services for an amount not to exceed \$200,000.00. (flood)

0264-03-09, accepting a Letter of Agreement with Myers-Cox Company for the purchase of concession items for the Parks and Recreation and Golf Departments for an estimated annual expenditure of \$70,000.00;

0265-03-09, authorizing Fleet Services purchase of three mowers for the Parks Department from Tri State Company for the total amount of \$218,814.00.

0266-03-09, accepting Letters of Agreement with Lesco, Inc., Pace Supply, D & K Products and River City Turf & Ornamental for the purchase and delivery of Turf Care Products for the Golf Division for an estimated annual amount of \$100,000.00.

0267-03-09, approving the Final Plat of I.B.E.W. First Addition located north of Blairs Ferry Road NE and east of C Avenue NE.

0268-03-09, approving the Final Plat of Navajo Third Addition located east of Ely Road SW and north of Dawn Avenue SW.

0269-03-09, accepting water system improvements in Navajo 3rd Addition, approving Maintenance Bond submitted by Gee Grading & Excavating, Inc. in the amount of \$110,904.00 and authorizing reimbursement to BCB, LLC in the amount of \$13,641.25 for an upsized water main.

0270-03-09, accepting the Screenings Washing Press and Conveyor Plow Replacement Installation project project, commencing the correction period of the Performance Bond and authorizing issuance of final payment in the amount of \$2,534.95 to WRH, Inc. for the Screenings Washing Press and Conveyor Plow Replacement Installation project (Final contract amount is \$50,699.09).

0271-03-09, authorizing the Parks & Recreation Department to submit a grant to Baseball Tomorrow for funding of a new Pony League baseball diamond and upgrades to existing diamonds at Jones Park for an estimated amount of \$75,000.00.

0272-03-09, authorizing Officer Jessica Long to attend FBI Hazardous Devices School in Huntsville, Alabama for an estimated amount of \$5,150.00.

0273-03-09, establishing Parcel B, Plat of Survey No. 1529 as street right-of-way for 8<sup>th</sup> Avenue SE, 2<sup>nd</sup> Street SE and 7<sup>th</sup> Avenue SE.

0274-03-09, adjusting the fee schedule of the Municipal Code for weed abatement costs for the 2009 mowing season.

0275-03-09, accepting the FY 2009 Sidewalk Repair Program, Contract No. 1 project and fixing amount to be assessed.

0276-03-09, adopting and levying final schedule of assessments and providing for the payment thereof for the C Street SW from Kirkwood Parkway to Bethpage Drive SW Sidewalk Extension project.

0277-03-09, accepting the established fair market value in the amount of \$180,231.00 for the partial acquisition of right-of-way, easement for drainage and a temporary grading easement for construction from property at 4400 6<sup>th</sup> Street SW, owned by All Iowa Agricultural Association (a.k.a. Hawkeye Down Fairground Property) in connection with the 6<sup>th</sup> Street SW Corridor Improvements project.

0278-03-09, directing preparation of detailed plans and specifications, form of contract and notice to bidders for the 1st Avenue and Collins Road NE and 40th Street NE Improvements project.

0279-03-09, authorizing execution of a Housing Enterprise Zone Program Agreement with the Iowa Department of Economic Development (IDED) and Skogman Construction Company of Iowa with respect to construction of four new homes within the Oak Hill neighborhood revitalization area (HAND). (flood) Abstain, Council member McGrane.

0280-03-09, authorizing execution of a Housing Enterprise Zone Program Agreement with the Iowa Department of Economic Development (IDED) and Sherman Associates, Inc. with respect to renovation of the Roosevelt Building. Abstain, Council members Podzimek and Shey

0281-03-09, authorizing the Mayor to sign a letter of support for Mercy Medical Center in their efforts to obtain funding for installation of an on-campus steam system. (flood)

Discussion: (Marty Hoeger)

0282-03-09, establishing a Neighborhood Development Corporation (NDC).

Discussion: (Sandi Fowler)

0283-03-09, authorizing the Mayor to sign Community Disaster Grant applications.

Discussion: (Connie Huber)

0284-03-09, approving search and selection process for the Flood Recovery Manager. (flood)

Discussion: (Sue Vavroch)

0285-03-09, prioritizing Economic Development Administration (EDA) grant applications. (flood)

Discussion by Council regarding Ellis pool. All Council agreed due to timing, the pool would not open for the 2009 season. (flood)

Discussion: (Lt. Jonker)

0286-03-09, approving the six month Class C Liquor License of The Tycoon, 427 2<sup>nd</sup> Avenue SE.

0287-03-09, amending prior declarations of official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified Water Pollution Control Facility Projects for an estimated amount of \$3,321,882.00.

Report on bids for the B & C Avenues NW from 5<sup>th</sup> Street to 13<sup>th</sup> Street, 13<sup>th</sup> Street from C Avenue to E Avenue, and E Avenue from 13<sup>th</sup> Street to west of 15<sup>th</sup> Street – Sanitary Sewer and Water Main Replacement project. (Dave Wallace)

Bids were received on March 19, 2009:

Minger Construction, Inc.	\$2,976,963.75
Langman Construction, Inc.	\$3,112,153.09
Rathje Construction Co.	\$3,632,538.96
Dave Schmitt Construction Co., Inc.	\$3,912,555.55
Tschiggfrie Excavating Co.	\$4,096,676.90
Van Hauen & Associates, Inc.	\$4,190,000.00
H & W Contracting LLC	\$4,444,094.00
Maxwell Construction, Inc.	\$5,718,391.45

Bids were referred to the Engineering Division.

Ordinances were approved with all Council members and Mayor Halloran voting “Aye” unless noted:

Ordinance No. 011-09, being an Ordinance repealing Chapter 29 of the Municipal Code, Housing Code, and enacting and adopting in lieu thereof a new Housing Code (International Property Maintenance Code 2006 edition with proposed amendments), was presented and read the second time.

Council member Podzimek moved the approval of the Ordinance on its second reading; seconded by Council member McGrane. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke and Mayor Halloran.

Council member Podzimek moved that the rule requiring three readings on three different days be suspended and the Ordinance be adopted on its third and final reading; seconded by Council member McGrane. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke and Mayor Halloran.

Ordinance No. \_\_\_\_\_, being an Ordinance vacating public ways & grounds in and to part of M Avenue NW, west of Koulsi Boulevard & easements by Steenhoek/Kaiser LLC., was presented and read the first time.

Council member Podzimek moved the approval of the Ordinance on its first reading and that it be filed in the office of the City Clerk for public inspection, as required by law, to be considered for action at a later date; seconded by Council member McGrane. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke and Mayor Halloran.

Various comments and concerns were expressed by the City Council and City Manager on a variety of topics. Discussions were held.

City Council adjourned at 9:35 PM to meet Wednesday, April 1, 2009 at 5:30 PM

Ann Ollinger, City Clerk