

MINUTES OF THE CITY COUNCIL
CITY OF CEDAR RAPIDS, IOWA

July 22, 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, Vernon and Wieneke. Also present were City Manager Prosser and City Attorney Flitz.

The invocation was given by Police Chaplain Clyde Bailey.

Public comments were heard.

Council member Fagan moved to approve the agenda; seconded by Council member McGrane. City Manager Prosser announced that items #19h. and 19i.(motion approving beer/liquor/wine applications) and item #16 (motion filing plans, specifications for the 1st Avenue Marion Boulevard & Collins Road Pavement Widening) should be removed from this week's agenda. Also, item #38 (Motion to place on file and approve Tax Certificates) should be corrected to read Series 2009F. Ayes, Council member Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Motion carried as amended.

A public hearing was held to consider an amendment to the Future Land Use Map in the City's Comprehensive Plan for property between C Street SW and Muirfield Drive SW and north of Prairie Rose Drive SW from high density residential to commercial as requested by Abode Construction, Inc. No comments or objections were heard or filed.

0693-07-09, amending the Future Land Use Map in the City's Comprehensive Plan for property between C Street SW and Muirfield Drive SW and north of Prairie Rose Drive SW from high density residential to commercial as requested by Abode Construction, Inc.

A public hearing was held to consider a change of zone for property between C Street SW and Muirfield Drive SW, north of Prairie Rose Drive SW from RMF-1 Multiple Family Residence Zone District to C-MU Commercial Mixed Use Zone District as requested by Abode Construction, Inc. No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance granting a change of zone for property between C Street SW and Muirfield Drive SW, north of Prairie Rose Drive SW from RMF-1 Multiple Family Residence Zone District to C-MU Commercial Mixed Use Zone District as requested by Abode Construction, Inc., 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, Vernon, Wieneke and Mayor Halloran. Nay, Council member Shields.

A public hearing was held to consider a change of zone for property south of Highway 30 and west of Ely Road SW from R-1 Single Family Residence Zone District to R-2 Single Family Residence Zone District as requested by Sevig Development, L.C. No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance granting a change of zone for property south of Highway 30 and west of Ely Road SW from R-1 Single Family Residence Zone District to R-2 Single Family Residence Zone District as requested by Sevig Development, L.C., 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 Vernon. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

A public hearing was held to consider a change of zone for property at 1820 West Post Road SW from A Agriculture Zone District to C-3 Regional Commercial Zone District as requested by the Loyal Order of the Moose, Cedar Rapids Lodge # 304. No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance granting a change of zone for property at 1820 West Post Road SW from A Agriculture Zone District to C-3 Regional Commercial Zone District as requested by the Loyal Order of the Moose, Cedar Rapids Lodge # 304, 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 Gulick. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

A public hearing was held to consider a change of zone for property south of Blairs Ferry Road NE and west of Ushers Ferry Road NE from A Agriculture Zone District to R-T Single Family

Transitional Residence Zone District as requested by Land, Logs & Timber, LLC. No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance granting a change of zone for property south of Blairs Ferry Road NE and west of Ushers Ferry Road NE from A Agriculture Zone District to R-T Single Family Transitional Residence Zone District as requested by Land, Logs & Timber, 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 Gulick. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the SE Quad Water Main Replacement project (Engineer's estimate of cost is \$583,000). No comments or objections were heard or filed.

0694-07-09, adopting plans, specifications, form of contract and estimated cost for the SE Quad Water Main Replacement project.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Cedar Rapids Police Department Flood Recovery project (Engineer's estimate of cost is \$3,774,000). No comments or objections were heard or filed.

0695-07-09, adopting plans, specifications, form of contract and estimated cost for the Cedar Rapids Police Department Flood Recovery project. (flood)

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Kirkwood Boulevard SW, from Kirkwood Court SW to Highway 30/151 & Miller Avenue SW Re-Alignment, Phase I project (Engineer's estimate of cost is \$825,000). No comments or objections were heard or filed.

0696-07-09, adopting plans and specifications, form of contract and estimated cost for the Kirkwood Boulevard SW, from Kirkwood Court SW to Highway 30/151 & Miller Avenue SW Re-Alignment, Phase I project.

Council member Podzimek moved to approve the consent agenda; seconded by Council member Wieneke. All motions were adopted with all Council members and Mayor Halloran voting "Aye" unless noted. Motion carried.

Motion to approve minutes.

Motion filing specifications, form of contract, estimated cost, setting a public hearing date for August 12, 2009 and advertising for bids by publishing notice to bidders for the WPC Elevator Repairs project and authorizing the Purchasing Manager, or designee, to receive and open the bids and publicly announce the results on August 20, 2009 (Engineer's estimated cost is \$110,000). (flood)

Motion filing plans, specifications, form of contract, estimated cost and setting a public hearing date for August 12, 2009 for the Oakland Road NE from 29th Street to K Avenue (Extended) Sidewalk project for bid opening to be held at the Iowa Department of Transportation on August 18, 2009 (Engineer's estimated cost is \$135,000).

Motion filing plans, specifications, form of contract, estimated cost and setting a public hearing date for August 12, 2009 for the FHWA Retaining Wall project for repair of the Coe Road NE retaining wall for bid opening to be held at the Iowa Department of Transportation on August 18, 2009 (Engineer's estimated cost is \$300,000). (flood)

Motion filing plans, specifications, form of contract, estimated cost and setting a public hearing date for August 12, 2009 for the FHWA Bridge and Roadway Repair Projects for bridge-related flood repairs at various locations for bid opening to be held at the Iowa Department of Transportation on August 18, 2009 (Engineer's estimated cost is \$650,000). (flood)

Motion filing plans, specifications, form of contract, estimated cost and setting a public hearing date for the FHWA Roadway Project Group #1 for street-related flood repairs at various locations for bid opening to be held at the Iowa Department of Transportation on August 18, 2009 (Engineer's estimated cost is \$70,000). (flood)

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for August 12, 2009 and advertising for bids by publishing notice to bidders for the U.S. Cellular Center Flood Recovery project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on August 13, 2009 (Engineer's estimated cost is \$780,000). (flood)

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for August 12, 2009 and advertising for bids by publishing notice to bidders for the J Avenue CO2 System Improvements project and authorizing the Utilities Director, or designee, to receive and open the bids and publicly announce the results on August 20, 2009 (Engineer's estimated cost is \$682,000).

Motion approving the beer/liquor/wine applications of:

- a. Applebee's Neighborhood Grill, 303 Collins Road NE;
- b. Big K-Mart #4289, 180 Collins Road NE;
- c. Big K-Mart # 4314, 2727 16th Avenue SW;

- d. BP on First, 2824 1st Avenue NE;
- e. Club Basix, 3916 1st Avenue NE;
- f. Cedar Rapids Jaycees, 225 5th Avenue SW (transfer for an event at Brucemore on August 1, 2009);
- g. Cedar Rapids Jaycees, 225 5th Avenue SW (transfer for Uptown Friday Night on July 31, 2009);
- h. Gilligan's, 912 1st Avenue NW;
- i. Golden Egg, 3025 Mt Vernon Road SE;
- j. Keystone Liquors, 389 Edgewood Road SW (New- formerly Curves);
- k. Paddy O'Rourke's, 608 16th Avenue NE;
- l. Paddy O'Rourke's, 608 16th Avenue NE (outdoor service for an event on August 8, 2009);
- m. Parktown BP, 4141 Center Point Road NE;
- n. The Play Station, 200 Collins Road NE;
- o. Sam's Club, 2605 Blairs Ferry Road NE;
- p. Sierra Foods, 3326 Center Point Road NE;
- q. Taj Mahal Cuisine of India, 3939 Center Point Road NE;
- r. Time Out Lounge, 3230 16th Avenue SW;
- s. Time Out Lounge, 3230 16th Avenue SW (outdoor service for an event on August 1, 2009);
- t. Tornado's Tournament Room, 315 14th Avenue SE (outdoor service for an event on August 7 - 8, 2009).

Motion approving the renewal beer/liquor/wine application of The Beer Yard, 5910 4th Street SW, Suite A (annual license with a probation period of 3 months).

Motion assessing a \$300.00 civil penalty against Hy-Vee Food Store #4, 1556 1st Avenue NE, for first violation of State Code regarding the sale of cigarettes to minors.

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

0697-07-09, approving bills

0698-07-09, approving payroll.

0699-07-09, granting 12 ambulance vehicle licenses to Area Ambulance Service at 1030 Mt Vernon Road SE

0700-07-09, granting 7 ambulance vehicle licenses to Southeast Iowa Ambulance Service, Inc. at 1132 1st Street NW.

0701-07-09, reappointing Jared Hills (effective through June 30, 2014) and Thad Driskell (effective through June 30, 2014) to the City Band Commission.

0702-07-09, appointing Thomas Hobson (effective through June 30, 2012) to the Airport Commission.

0703-07-09, appointing Arbe Bareis (effective through June 30, 2012), Ann Knierim (effective through June 30, 2012), Rachel Mills (effective through June 30, 2012) and Jennifer Neumann (effective through June 30, 2012) to the Visual Arts Commission.

0704-07-09, extending a vote of thanks to Kate Hawkins, Marilyn Langhurst, Randy Parks Jr. and Heather Wagner for serving as members of the Visual Arts Commission.

0705-07-09, intent to assess for Solid Waste & Recycling clean up costs at 1 property.

0706-07-09, levy assessment for Solid Waste & Recycling clean up costs at 1 property.

0707-07-09, levy assessment for Public Works weed and mowing at 11 properties.

0708-07-09, intent to assess for Utilities Department delinquent municipal utility bills at 17 properties.

0709-07-09, levy assessments for Utilities Department delinquent municipal utility bills at 21 properties.

0710-07-09, authorizing execution of Amendment No. 2 to the Professional Services Agreement with Snyder & Associates, Inc. specifying an increased amount not to exceed \$45,720.00 for engineering design services for sanitary sewer in connection with the 1st Avenue East, 17th Street SE to Cottage Grove Avenue SE Pavement Rehabilitation and Sanitary Sewer Replacement project (total contract price with this amendment is \$179,325.00).

0711-07-09, authorizing execution of Amendment No. 2 to the Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. specifying an increased amount not to exceed \$50,400.00 for design services in connection with the FY09 Cedar Rapids Sanitary Sewer Improvements – Lining, Point Repairs and Reconstruction Project (total contract price with this amendment is \$247,300.00).

0712-07-09, authorizing execution of Professional Services Agreement with Base Tactical Disaster Recovery in an amount not to exceed \$2,172,300.00 for design, construction management and FEMA coordination services in connection with multiple City facility flood recovery projects. (flood)

0713-07-09, awarding and approving contract in the amount of \$298,925.27 plus incentive up to \$10,000.00, bond and insurance of Dave Schmitt Construction Co., Inc. for the Trail Flood Repair & Levee Repair (A Street SW) project (Engineer's estimated cost is \$330,000). (flood)

0714-07-09, authorizing execution of Change Order No. 4 in the amount of \$15,961.60 with Taylor Construction, Inc. for the 33rd Avenue SW over CRANDIC RR project (total contract price with this amendment is \$2,063,941.03). Abstain, Council member Fagan

0715-07-09, authorizing execution of Amendment No. 2 to the Professional Services Agreement with HDR Engineering, Inc. specifying an increased amount not to exceed \$10,500.00 for the Renovation of Structures project (Bioscrubber Rehabilitation and Structural Rehabilitation) at the Water Pollution Control Facilities (total contract price with this amendment is \$191,110.00).

0716-07-09, amending Resolution No. 0263-03-09 to extend the Letter of Agreement with Neel-Schaffer, Inc. to provide flood related debris monitoring services for debris being picked up by the City's contracted debris removal contractor as well as debris from the demolition of flood damaged homes for the period of June 18, 2009 through December 31, 2009. (flood)

0717-07-09, rescinding Resolution No. 0202-03-09 and authorizing the amendment of Resolution No. 0648-08-08 to extend the contract for environmental services with Family Environmental Compliances Services, Inc. for an increased amount not to exceed \$350,000.00.

0718-07-09, authorizing execution of Amendment No. 1 to the Master Client Agreement with Spin Ventures, Inc. d/b/a Spindustry Staffing specifying an increased amount not to exceed \$109,200.00 for report development using Crystal Reports for the Customer Care and Billing (CC&B) software solution (total contract price with this amendment is \$217,300.00).

0719-07-09, accepting the 60th Avenue SW from Edgewood Road SW to 6th Street SW, Improvements – Phase I project and issue final payment in the amount of \$9,397.46 to Rathje Construction Co. (Final contract amount is \$187,949.14).

0720-07-09, accepting the Detention Basin Repair Program, Phase 1 project and issue final payment in the amount of \$9,972.36 to Connolly Construction, Inc. (Final contract amount is \$199,447.17).

0721-07-09, accepting water system improvements in Wilderness Estates 7th Addition and approving Maintenance Bond submitted by Maxwell Construction Inc. in the amount of \$82,693.00 and authorizing reimbursement to Steenhoek Ltd. in the amount of \$384.45.

0722-07-09, vacating a 10-foot utility easement on Lot 2, Manson's Second Addition (south of Ellis Road NW, west of Grannie Smith Lane NW and north of Mary Beth Avenue NW) as requested by Wilmar Development Co.

0723-07-09, granting permission for a proposed shed to encroach onto portions of the existing 8-foot utility easement at 405 34th Street SE as requested by Jason and Heidi Strohmman.

0724-07-09, granting permission for a proposed shed to encroach onto portions of the existing 15-foot utility and drainage easement at 1710 Southview Drive NW as requested by John and Cynthia Armbruster.

0725-07-09, authorizing publication of a notice of public hearing to be held August 12, 2009 to consider the Resolution of Necessity (Proposed) for the construction of the East Post Road over Indian Creek Bridge Replacement project.

0726-07-09, authorizing Shawn Lampe and Titof Aquice to attend McAfee ePO training for Network Analysts in Denver, Colorado for an estimated amount of \$10,444.00.

0727-07-09, authorizing and providing for the issuance of \$7,960,000 Sewer Revenue Bonds, Series 2009E (Taxable Build America Bonds).

Motion to place on file and approve the Tax Certificates for Series 2009E.

Motion to place on file and approve the Continuing Disclosure Certificate for Series 2009E.

0728-07-09, authorizing and providing for the issuance of \$8,635,000 Water Revenue Bonds, Series 2009F (Taxable Build America Bonds).

Motion to place on file and approve the Tax Certificates for Series 2009F.

Motion to place on file and approve the Continuing Disclosure Certificate for Series 2009F.

0729-07-09, amending Resolution No. 0829-05-04 which established an Open Records Policy by updating the designated custodians for records maintained by the City Council.

0730-07-09, authorizing submittal of an application for a State Financial Assistance Program through the Grow Iowa Values Financial Assistance Programs' Disaster Recovery component as requested by Raining Rose, Inc. (flood)

0731-07-09, authorizing submittal of an application for a State Financial Assistance Program through the Grow Iowa Values Financial Assistance Programs' Disaster Recovery component as requested by JRS Pharma, LP. (flood)

0732-07-09, authorizing submittal of an application for a State Financial Assistance Program through the Grow Iowa Values Financial Assistance Programs' Disaster Recovery component as requested by Accent Media Incorporated. (flood)

0733-07-09, authorizing submittal of an application for a State Financial Assistance Program through the Grow Iowa Values Financial Assistance Programs' Disaster Recovery component as requested by Iowa Screenprint, Inc., dba Bimm Ridder Sportswear. (flood)

0734-07-09, authorizing submittal of an application for a State Financial Assistance Program through the Grow Iowa Values Financial Assistance Programs' Disaster Recovery component as requested by Stamats Communications Inc. (flood) Abstain, Council member Fagan

0735-07-09, indicating City Council support for projects submitted for the I-Jobs Competitive Grant Program.

Discussion: (Sandi Fowler)

Iowa Action Plan for Disaster Recovery and distribution of Community Development Block Grant (CDBG) funds.

Discussion: (Paula Hinzman Mitchell)

0736-07-09, authorizing execution of a Sub-Recipient Funding Agreement with Waypoint Services for implementation of \$536,843.00 for the Homelessness Prevention and Rapid Re-Housing Program (HPRP).

Discussion: (Richard Luther)

0737-07-09, authorizing participation in a new development located within the Southwest Urban Renewal Area on the west side of I-380 north of Wright Brothers Boulevard SW as requested by St. Martin Land Company.

Report on bids for the Cedar Rapids Seminole Valley Wellfield Electric Distribution Upgrade project. (Pat Ball)

Bids were received July 16, 2009:

Hooper Corporation	
Base Bid	\$560,204.20
Alternate 1	\$143,198.35
Price Industrial Electric, Inc.	
Base Bid	\$565,900.00
Alternate 1	\$ 55,000.00
Trey Electric Corporation	
Base Bid	\$644,770.00
Alternate 1	\$673,020.00

were referred to the Utilities Department and Stanley Consultants, Inc.

Report on bids for the FHWA Roadway Project Group #2 for miscellaneous flood repairs on 1st Street SE, 3rd Street SE and 15th Street NW. (Sandy Pumphrey)

Bids were received July 21, 2009 at Iowa Department of Transportation in Ames, Iowa:

City Wide Construction Corp.	\$222,438.32
Rathje Construction Co.	\$ 219,274.27
Jasper Construction Services Inc.	\$ 252,337.85
Vieth Construction Corporation	\$ 256,442.73
Tschiggfrie Excavating Co.	\$ 326,840.15

Report on bids for the 333 3rd Avenue SE Parkade Flood Recovery project. (Sandy Pumphrey)

Bids were received July 16, 2009:

Kleiman Construction, Inc.

Base Bid	\$551,710.00
Alternate A	\$ 1,000.00
Alternate B	\$ 750.00

Unzeitig Construction Company

Base Bid	\$554,700.00
Alternate A	\$ 1,000.00
Alternate B	\$ 850.00

were referred to the Public Works Department and Shive-Hattery, Inc.

0738-07-09, awarding and approving contract in the amount of \$553,460.00 plus incentive up to \$5,000.00, bond and insurance of Kleiman Construction, Inc. for the 333 3rd Avenue SE Parkade Flood Recovery project. (flood) Abstain, Council member Fagan

Report on bids for the Ellis Park Pool – Flood Recovery project. (Sandy Pumphrey)

Bids were received July 16, 2009:

*Iowa State Contractors, Inc.	\$233,000.00
Tricon General Construction	\$424,400.00
Miron Construction Co., Inc.	\$429,000.00

were referred to the Public Works Department and Novak Design Group, PLC

*withdrew their bid on July 17, 2009.

0739-07-09, awarding and approving contract in the amount of \$424,400.00 plus incentive up to \$5,000.00, bond and insurance of Tricon General Construction for the Ellis Park Pool Flood Recovery project.

Report on bids for the 33rd Avenue SW, from east of Royal Drive to Remington Street, Grading, Retaining Wall and Water Main project. (Sandy Pumphrey)

Bids were received July 16, 2009:

Rathje Construction Co.	\$393,689.55	
Pirc-Tobin Construction, Inc.	\$409,122.40	
Borst Brothers Construction, Inc.	\$425,148.92	
Ricklefs Excavating, Ltd.	\$429,099.00	
D.W. Zinser Company	\$434,532.20	*corrected amount \$434,534.22
Tschiggfrie Excavating Co.	\$437,295.85	
Dave Schmitt Construction Co., Inc.	\$451,573.63	
Eastern Iowa Excavating & Concrete, LLC	\$474,912.35	

were referred to the Public Works Department and Snyder & Associates, Inc.

0740-07-09, awarding and approving contract in the amount of \$393,689.55 plus incentive up to \$12,000.00, bond and insurance of Rathje Construction Company for the 33rd Avenue SW, from east of Royal Drive to Remington Street, Grading, Retaining Wall and Water Main project.

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 8:05 PM to meet Wednesday, August 5, 2009 at 5:30 PM.

Ann Ollinger, City Clerk

Abstain, Council member Fagan
Nay, Council member Shields