

MINUTES OF THE CITY COUNCIL
CITY OF CEDAR RAPIDS, IOWA

July 8, 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 Sheronick.

The invocation was given by Mayor Halloran.

Public comments were heard.

Council member Podzimek moved to approve the Agenda; seconded by Council member McGrane. City Manager Prosser noted that Item #11 (Motion filing plans, specs, set Public Hearing date for SE Quad Water Main Replacement Project) should have a corrected estimated cost of \$583,000 and Item #30a. (Resolution awarding and approving contract for the Trail Flood Repair & Levee Repair project) be removed from this weeks agenda. Council member Shields requested that Items 19e. and 19f. (Agreements with Anderson-Bogert Engineers in connection with the Cedar Valley Lake Urban Fishery project and the CEMAR Trail Phase 1 and 2 project be removed from the Consent Agenda and placed on the Regular Agenda for discussion. Council member Gulick requested that Item 19o. (Contract for federal legislative services for one year be removed from the Consent Agenda and placed on the Regular Agenda for discussion. Council member Vernon requested that Item 19p. (Contract with ProSource Technologies for acquisition services for 117 flood damaged parcels be removed from the Consent Agenda and placed on the Regular Agenda for discussion. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Motion carried as amended.

A public hearing was held to consider the continuation of an approved public capital improvement project for the Sanitary Sewer Extension from Willow Creek Drive SW to South of 60th Avenue and West of 26th Street project, and to commence the acquisition of easements for the project. No comments or objections were heard or filed.

0648-07-09, continue a previously approved public capital improvement project and authorizing the acquisition of easements or condemnation of agricultural properties and property interests not yet acquired for the Sanitary Sewer Extension from Willow Creek Drive SW to South of 60th Avenue and West of 26th Street project.

A public hearing was held to consider vacating a 10-foot utility easement located approximately south of Ellis Road NW, west of Grannie Smith Lane NW and north of Mary Beth Avenue NW, as requested by Wilmar Development Co. No comments or objections were heard or filed.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the FHWA Roadway Project Group #2 for miscellaneous flood repairs on 1st Street SE, 3rd Street SE and 15th Street NW, with bid opening to be held at the Iowa Department of Transportation on July 21, 2009. No comments or objections were heard or filed.

0649-07-09, adopting plans and specifications, form of contract and estimated cost for the FHWA Roadway Project Group #2.(flood)

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the 33rd Avenue SW, from East of Royal Drive to Remington Street, Grading, Retaining Wall and Water Main project (Engineer's estimate of cost is \$650,000). No comments or objections were heard or filed.

0650-07-09, adopting plans and specifications, form of contract and estimated cost for the 33rd Avenue SW, from East of Royal Drive to Remington Street, Grading, Retaining Wall and Water Main project.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the 333 3rd Avenue SE Parkade Flood Recovery project (Engineer's estimate of cost is \$731,000). Comments were heard. No objections were heard or filed.

0651-07-09, adopting plans and specifications, form of contract and estimated cost for the 333 3rd Avenue SE Parkade Flood Recovery project. (flood) Nay, Council member Podzimek.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Ellis Park Pool – Flood Recovery project (Engineer's estimate of cost is \$367,000). No comments or objections were heard or filed.

0652-07-09, adopting plans and specifications, form of contract and estimated cost for the Ellis Park Pool – Flood Recovery project. (flood) Nays, Council members Shields and Vernon.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Police Department Locker Installation project (Estimate of cost is \$400,000).

0653-07-09, adopting plans, specifications, form of contract and estimated cost for the Police Department Locker Installation project. (flood)

A public hearing was held to consider a change of zone for property at 9216 Lawrence Drive West SW from A Agriculture Zone District to I-1 Light Industrial Zone District as requested by Georgine F. Stark. Comments and objections were heard. A letter of objection with 15 signatures was filed.

Ordinance No. _____, being an Ordinance granting a change of zone for property at 9216 Lawrence Drive West SW from A Agriculture Zone District to I-1 Light Industrial Zone District as requested by Georgine F. Stark, was presented and read the first time.

Council member Wieneke moved to deny the approval of the Ordinance; seconded by Council member Podzimek. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Motion approved. **Ordinance Failed.**

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

Motion to approve minutes.

Motions setting public hearing/hearing dates for:

- a. July 22 2009 — 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.;
- b. July 22, 2009 — 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.;
- c. July 22, 2009 — 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.;
- d. July 22, 2009 — 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; and
- e. July 22, 2009 — 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.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for July 22, 2009 and advertising for bids by publishing notice to bidders for the SE Quad Water Main Replacement project and authorizing the Utilities Director, or designee, to receive and open the bids and publicly announce the results on August 13, 2009 (Engineer's estimate of cost is \$583,000).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for July 22, 2009 and advertising for bids by publishing notice to bidders for the Cedar Rapids Police Department Flood Recovery project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on August 6, 2009 (Engineer's estimate of cost is \$3,774,000). (flood)

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for July 22, 2009 and advertising for bids by publishing notice to bidders for the Kirkwood Boulevard SW, from Kirkwood Court SW to Highway 30/151 & Miller Avenue SW Re-Alignment, Phase I project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on July 30, 2009 (Engineer's estimate of cost is \$825,000).

Motion approving the beer/liquor/wine applications of:

- a. Beaver Creek Saloon, 1010 2nd Avenue SW (Outdoor Service for an event on July 18, 2009);
- b. Cedar Rapids Ball Club, 950 Rockford Road SW (Outdoor Service for an event on July 18, 2009);
- c. Cedar River Landing, 301 F Avenue NW (Outdoor Service for an event on July 31, 2009);
- d. Coral Isle Club-Knights of Columbus, 716 A Avenue NE;
- e. El Mercadito, 700 1st Avenue NW;
- f. The Fire House, 3321 1st Avenue SE;
- g. Hawthorn Suites, 4444 Czech Lane NE;
- h. Hott Tortilla Mexican & American Restaurant, 2201 16th Avenue SW (New – formerly Kluckers);
- i. J.M. O'Malley's, 1502 H Avenue NE (Outdoor Service for an event on July 11, 2009 with a rain date of July 18, 2009);
- j. Kumbala Mexican Restaurant, 1323 1st Avenue SE (New – formerly Who's on First);
- k.. Leo's Pizzeria, 588 Boyson Road NE (New – changing from Class B Beer to Class C Commercial Liquor license);
- l. Siamville, 3635 1st Avenue SE;
- m. Super Burrito Lupita's Bakery, 3300 Johnson Avenue NW; and
- n. Wal-Mart Supercenter #1528, 2645 Blairs Ferry Road NE.

Motion assessing a \$300.00 civil penalty against Casey's General Store #2765, 5050 Northland 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:

0654-07-09, approving bills.

0655-07-09, approving payroll.

0656-07-09, reappointing Susan O'Connor (effective through June 30, 2012) and appointing Steven Hill (effective through June 30, 2012) to the Board of Ethics.

0657-07-09, extending a vote of thanks to Frank King and Larry McGuire for serving as members of the Replacement Housing Task Force.

0658-07-09, intent to assess for Solid Waste & Recycling clean up costs at 5 properties.

0659-07-09, intent to assess for Utilities Department delinquent municipal utility bills at 16 properties.

0660-07-09, levy assessments for Utilities Department to replace a water service line at 1 property.

0661-07-09, levy assessments for Utilities Department delinquent municipal utility bills at 15 properties.

0662-07-09, amending Resolution No. 0490-05-09 with Interstate Power & Light for the purchase of seven electrical recloser controller panels to correct the total amount of \$111,000.00. (flood)

0663-07-09, authorizing execution of an Agreement for Water Service and to Annex to the City of Cedar Rapids, Iowa from property owner James H. Bright for property at 1832 Edgewood Drive NW.

0664-07-09, awarding and approving contract in the amount of \$337,247.70 plus incentive up to \$8,600.00 bond and insurance of Dolan Excavating, LLC for the West Post Road NW (North of) from E Avenue to F Avenue, Sanitary Sewer Extension project (Engineer's estimated cost is \$570,000).

0665-07-09, awarding and approving contract in the amount of \$181,661.00 plus incentive up to \$7,000.00, bond and insurance of Dean Driscoll Construction, Inc. for the Jones Golf Course – Clubhouse Flood Repair project (Engineer's estimated cost is \$292,000). (flood)

0666-07-09, authorizing execution of Amendment No. 5 to the Professional Services Agreement with Howard R. Green Company specifying an increased amount not to exceed \$35,047.00 for design services in connection with the Collins Road NE Improvements from Center Point Road to First Avenue project (total contract price with this amendment is \$747,743.00).

0667-07-09, accepting the established fair market value in the amount of \$1.00 for a temporary grading easement for construction from Merlin Uthoff, from land at 6451 16th Avenue SW in connection with the 16th Avenue SW PCC Widening from Stoney Point Road SW to West Post Road SW project.

0668-07-09, authorizing execution of Change Order No. 5 in the amount of \$6,708.00 with Rathje Construction Company for the Edgewood Road SW Reconstruction Project from 825 Feet South of 60th Avenue SW to South Wendling Quarry Drive (total contract price with this amendment is \$2,105,529.40).

0669-07-09, authorizing execution of a Master Contract and Enterprise Zone Agreement for Cedar Crest Manufacturing.

0670-07-09, authorizing execution of Amendment No. 1 to the Agreement for Private Redevelopment, Certificate of Completion, and payment of an Economic Development Grant to DEPC, Properties, LLC in the amount of \$400,000.00 for construction of an office building at 8801 Prairie View Lane SW.

0671-07-09, authorizing execution of an Agreement with Baseball Tomorrow for a grant in the amount of \$75,000.00 for construction of a Pony League field and upgrades to City baseball diamonds at Jones Park.

0672-07-09, authorizing purchase of health plan stop loss insurance from Sun Life Insurance Company in the amount of \$400,780.00.

0673-07-09, authorizing Fleet Services to purchase of four road graders from Scott Van Kepl in the amount of \$656,899.00. (flood)

0674-07-09, amending 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 \$549,880.00. (flood)

0675-07-09, authorizing execution of a Contract with U.S. Peroxide, LLC to provide the PRI-SC™ Program at the Water Pollution Control Facility for an estimated annual amount of \$550,000.00.

0676-07-09, authorizing Fleet Services to purchase of two tandem axle dump trucks from Harrison Truck Centers in the amount of \$221,901.00.

0677-07-09, accepting the 1st Street NW at G Avenue Storm Sewer Repair project, commencing the four year correction period of the Performance Bond and authorizing issuance of final payment in the amount of \$5,508.35 to Ricklefs Excavating, Ltd.(Final contract amount is \$110,167.06).

0678-07-09, directing preparation of detailed plans and specifications, form of contract and notice to bidders for the Oakland Road NE from 29th Street to K Avenue (Extended) Sidewalk project.

0679-07-09, establishing right-of-way on City-owned property at 442 50th Avenue Court

SW (a.k.a. Fire Station #2) in connection with the 6th Street SW Corridor Improvements from Waconia Avenue to Prairie Creek project.

0680-07-09, authorizing submittal of an application for a state recreational trails program grant for the construction of the “Dry Creek Trail: Phase 1”, the “Kirkwood Connector Trail” and the “Edgewood Road Multi-Use Trail over U.S. Highway 30” projects.

0681-07-09, approving the Final Plat of Wilderness Estates Eighth Addition located south of Rogers Road NW and west of Wolf Drive NW.

0682-07-09, authorizing execution of the Certification of Local Government Approval for Nonprofit Organizations Receiving Emergency Shelter Grant Funds from State Grantees.

0683-07-09, authorizing execution of a Contract for federal legislative services for the one year period of July 1, 2009 through June 30, 2010.

0684-07-09, authorizing execution of a Contract with ProSource Technologies, Inc. for acquisition services for approximately 117 flood damaged parcels for an amount not to exceed \$193,050.00. (flood) Nay, Council member Vernon

0685-07-09, authorizing execution of Amendment No. 1 to the Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. specifying an increased amount not to exceed \$24,000.00 for additional design services in connection with the Cedar Valley Lake Urban Fishery project (total contract price with this amendment is \$170,000.00).

0686-07-09, authorizing execution of a Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. in an amount not to exceed \$134,000.00 for design services in connection with the CEMAR Trail Phase 1 and 2 project.

Discussion: (Jennifer Pratt)

0687-07-09, approving a revised City participation through a bridge loan totaling \$650,000.00 and a permanent City loan of \$1,632,129.00 in City participation with SA Roosevelt Limited Partnership for the \$10.3 million downtown Roosevelt Building renovation and restoration including 96 apartments and first-floor commercial.

Discussion: (Paula Hinzman Mitchell)

0688-07-09, expressing support for an application by Affordable Housing Network, Inc. (AHNI) in the amount of \$6,500,000.00 from the Iowa Finance Authority’s (IFA’s) Affordable Housing Assistance Fund, established as a set-aside through the I-Jobs Bill.

Discussion: (Michele Tamerius)

0689-07-09, directing the sale of \$7,960,000 Sewer Revenue Bonds, Series 2009E.

Discussion: (Michelle Tamerius)

0690-07-09, directing the sale of \$8,635,000 Water Revenue Bonds, Series 2009F.

Report on bids for the Trail Flood Repair & Levee Repair (A Street SW) project. (Sandy Pumphrey)

Bids were received July 2, 2009:

Peterson Contractors, Inc.	\$287,201.54
Dave Schmitt Construction Co., Inc.	\$298,925.27
Borst Brothers Construction, Inc.	\$325,520.10
Connolly Construction, Inc.	\$365,029.69

were referred to the Public Works Department and Ament, Inc.

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

Ordinance No. 021-09, being an Ordinance granting a change of zone for property at 1026 11th Street NE from I-1 Light Industrial Zone District to R-TN Traditional Neighborhood Residence Zone District as requested by Jeffery D. and Debra J. Wilkin, 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, Vernon, 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 Vernon. Ayes, Council members Fagan, Gulick, McGrane. Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

Ordinance No. 022-09, being an Ordinance granting a change of zone for property north and south of Roosevelt Road SW and westerly 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 second time.

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

Ordinance No. 023-09, being an Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance, adding “Emergency Residential Shelters” in the PUB Public Zone District as requested by the Linn County Board of Supervisors, was presented and read the second time. (flood)

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

Ordinance No. 024-09, being an Ordinance repealing Chapter 18 of the Municipal Code, Historic Preservation, and enacting in lieu thereof a new Chapter 18 which includes regulations that require a Demolition Review Process for properties 50-years old or older, was presented and read the second time.

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

Ordinance No. 025-09, being an Ordinance amending Chapter 6 of the Municipal Code, City Administration, by repealing section 6.05, Recreation Commission, and amending Chapter 10 of the Municipal Code, Parks and Public Places, by repealing section 10.10, Ushers Ferry Historic Village Commission and adopting in lieu thereof a new section 6.05 establishing a Parks and Recreation Commission, was presented and read the second time.

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

Shields, Vernon, Wieneke and Mayor Halloran.

Ordinance No. 026-09, being an Ordinance amending Chapter 61 of the Municipal Code, Traffic Regulations, by repealing Section 61.090A, Illegal Off-Street Parking, which allowed citizens the ability to tow abandoned vehicles from their private property, was presented and read the second time.

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

Ordinance No. 027-09, being an Ordinance amending Chapter 52A of the Municipal Code, Tow Truck and Wrecker Code, Subsection 52A.05, Prohibited Activities, by adding a requirement for notification of vehicles being towed from private property, was presented and read the second time.

. Council member McGrane moved the approval of the Ordinance on its second reading; seconded by Council member Vernon. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, 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 Vernon. Ayes, Council members Fagan, Gulick, McGrane. Podzimek, Shey, Shields, Vernon, 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 7:50 PM to meet Wednesday, July 15, 2009 at 5:30 PM.

Ann Ollinger, City Clerk