

MINUTES OF THE CITY COUNCIL
CITY OF CEDAR RAPIDS, IOWA

June 10, 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 Fltiz.

The invocation was given by Mayor Halloran.

Public comments were heard.

Presentation by Senator Hogg, Larry Murphy and Tyler Olson regarding disaster legislation and an overview of the state legislative session.

Presentation by Entrepreneurial Development Center for the five-year funding initiative.

Council member Fagan moved to approve the agenda; seconded by Council member Gulick. City Manager Prosser announced that Jon Galvin's name should be removed from Item 14b as Mr. Galvin had sent a letter requesting that his name be removed from the Committee. 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 disposal of excess City-owned property at 6900 Council Street NE. No comments or objections were heard or filed.

0526-06-09, continue the disposal of excess City-owned property located at 6900 Council Street NE.

A public hearing was held to consider the continuation of disposal of excess City-owned property at 2135 and 2147 20th Street NW. No comments or objections were heard or filed.

0527-06-09, continue the disposal of excess City-owned property located at 2135 and 2147 20th Street NW.

A public hearing was held to consider amending Chapter 61 of the Municipal Code, Traffic Regulations, adding a section regarding Automated Traffic Enforcement (ATE) systems which includes red light intersection enforcement, mobile speed enforcement and fixed speed enforcement. No comments or objections were heard or filed.

Ordinance No. _____, being an Ordinance amending Chapter 61 of the Municipal Code, Traffic Regulations, adding a section regarding Automated Traffic Enforcement

(ATE) systems which includes red light intersection enforcement, mobile speed enforcement and fixed speed enforcement, 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, Vernon, Wieneke and Mayor Halloran.

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. June 24, 2009 — to consider amending Chapter 32 of the Municipal Code, Zoning Ordinance, to add “Emergency Residential Shelters” in the PUB Public Zone District as requested by the Linn County Board of Supervisors; (flood)
- b. June 24, 2009 — to consider amending Chapter 18 of the Municipal Code, Historic Preservation, to add regulations that would require a Demolition Review Process for properties 50 years old or older;
- c. June 24, 2009 — to consider 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;
- d. June 24, 2009 — to consider a change of zone for property west of Kirkwood Boulevard SW at the southeast corner of the intersection of Woodstone Lane SW and Brighton Way SW from RMF-1 Multiple Family Residence Zone District to R-3 Single Family Residence Zone District requested by CJ’s Cedar Ridge Development, Inc.;
- e. June 24, 2009 — to consider 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.; and
- f. June 24, 2009 — to consider granting an easement on City-owned land to Interstate Power and Light Company for an underground electric line located in the southwesterly corner of Lot 5 of the Park & Ride Lot.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for June 24, 2009 and advertising for bids by publishing notice to bidders for the West Post Road NW (North of) from E Avenue to F Avenue Sanitary Sewer Extension project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on June 25, 2009 (Engineer's estimate of cost is \$570,000).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for June 24, 2009 and advertising for bids by publishing notice to bidders for the Trail Flood Repair & Levee Repair (A Street SW) project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on July 2, 2009 (Engineer's estimate of cost is \$330,000). (flood)

Motion setting a public hearing date for June 24, 2009 and advertising for bids by publishing revised notice to bidders for the Jones Golf Course – Clubhouse Flood Repair project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on June 25, 2009 (Engineer's estimate of cost is \$292,000). (flood)

Motion filing plans, specifications, form of contract, setting a public hearing date for June 24, 2009 and advertising for bids by publishing notice to bidders for the Cedar Rapids Seminole Valley Wellfield Electric Distribution Upgrade project and authorizing the Utilities Director, or designee, to receive and open the bids and publicly announce the results on July 16, 2009 (Engineer's estimate of cost is \$711,560).

Motion approving the beer/liquor/wine applications of:

- a. 5th Gear Bar & Grill, 4617 J Street SW (additional Outdoor Service (14) for various events);
- b. Chrome Horse Slop House & Saloon, 1202 3rd Street SE (additional Outdoor Service for an event on June 30, 2009);
- c. Benz Distributing, Inc., 501 7th Avenue SE;
- d. Dublin City Pub, 315 2nd Avenue SE; (flood)
- e. Dublin City Pub, 315 2nd Avenue SE (permanent transfer to 415 1st Street SE- formerly Muddy Waters);
- f. Cedar Rapids Elk's Lodge #251, 801 33rd Avenue SW;
- g. New Shack Tavern, 2545 Old River Road SW;
- h. US Cellular Center/Sodexho, 370 1st Avenue NE (transfer to Kingston Stadium Lot for the BBQ Round-up Event on June 25-28, 2009);
- i. Williams Blvd Amoco, 2601 Williams Blvd SW; and
- j. Zins, 227 2nd Avenue SE (permanent transfer back to pre-flood location).

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

0528-06-09, approving bills.

0529-06-09, approving payroll.

0530-06-09, approving the special event application for Juneteenth 2009 - A Celebration of Freedom Event at Gibson & Hidder Parks with 10th Street SE closure on June 20, 2009.

0531-06-09, approving the special event application for the Oakhill Jackson Neighborhood Picnic with 5th Street and 9th Avenue SE street closures on June 20, 2009.

0532-06-09, approving the special event application for the Cedar Rapids Downtown District to hold the CRBT Downtown Drive-In Movie Series on June 27, July 18 and August 15, 2009 with street closures at 6th Street NE.

0533-06-09, approving the special event application for the Cedar Rapids Freedom Festival Events, Patriotic Pops, Classic Rock, Vintage and Vinyl, Action Zone and fireworks at Kirkwood Community College on June 19 - 21, 2009.

0534-06-09, approving the special event application for the Cedar Rapids Freedom Festival Parade on June 27, 2009 with downtown street closures.

0535-06-09, approving the special event application for the Cedar Rapids Freedom Festival Festa Fun Event at Greene Square Park on June 27, 2009 with street closure at 5th Street SE.

0536-06-09, approving the special event application for the Czech Village RIVERenaissance Block Party on June 13, 2009 with 16th Avenue SW street closure.

0537-06-09, rescinding Resolution No. 0477-05-09 removing the Cedar Rapids Area Chamber of Commerce as the hosting organization for the "Flood Run 2009" and approving Kari Lammer and Kathleen Pegg to hold Flood Run 2009 on June 13, 2009.

0538-06-09, reappointing Gary Grant (effective through June 30, 2012) and appointing William Carr (effective through June 30, 2012) to the Veterans Memorial Commission.

0539-06-09, appointing John Berge, Ruth Hart, Garland Groom, Karla Goettel, Shannon Day, Michael Brunelli and Irma Mrazek (effective through June 30, 2010) to the Voluntary Property Acquisition Advisory Committee.

0540-06-09, extending a vote of thanks to Christine Landa for serving as a member of the Civil Service Commission.

0541-06-09, intent to assess for Solid Waste & Recycling clean up costs at 2 properties.

0542-06-09, intent to assess for Utilities Department delinquent municipal utility bills at 36 properties.

0543-06-09, awarding and approving contract in the amount of \$112,310.00 plus incentive up to \$2,400.00, bond and insurance of TJ Construction Unlimited, Inc. for the FY 2010 Sidewalk & Ramp Program – Contract No. 1 (Engineer’s estimated cost is \$148,000).

0544-06-09, accepting an Easement for Storm Sewer and Drainage from Andrew L. and Terri L. Shifflett from land at 3200 Reston Court NE in connection with the Glass Road NE Storm Sewer and Storm Water Drainage Improvements project.

0545-06-09, authorizing approval for street lighting and the execution of a Form of Agreement for utility relocation with Interstate Power and Light Company in the amount of \$431,707.41 in connection with the 1st Avenue (IA 922/US Business 151) Marion Boulevard & Collins Road Improvements project.

0546-06-09, authorizing execution of a Professional Services Agreement with Shive-Hattery, Inc. in an amount not to exceed \$122,600.00 for design and construction administration services in connection with the 4th Avenue Parkade, Elevators and Lobby and the GTC Parkade Elevator and Lobby repair project. (flood)

0547-06-09, authorizing execution of an Agreement of Donee with the Hall-Perrine Foundation for receipt of a \$10,000.00 grant to be used for upgrades of city baseball diamonds.

0548-06-09, authorizing execution of an Agreement with Cedar Rapids Community School District for use of an existing modular classroom at Harrison Elementary School, 1310 11th Street NW, to be used for a Community Resource Center from June 15, 2009 through August 14, 2009.

0549-06-09, authorizing the Police Department purchase and installation services of equipment in 15 marked police vehicles from Graybill Communication for the total amount of \$249,477.00.

0550-06-09, authorizing execution of a Lease agreement with KHRR LLC for 1501 1st Avenue SE, the former Keller Hull building, to establish a Community Connections office building which would contain the police substation and other City and State entities and resources.

0551-06-09, accepting the Penn Avenue Transmission Main River Crossing Replacement project and authorizing issuance of final payment in the amount of \$88,263.81 to Judds Brothers Construction Co. (Final contract amount is \$1,413,652.75).

0552-06-09, authorizing execution of a grant application for the Federal Emergency Efficiency and Conservation Block Grant Program (EECBG) through the U.S. Department of

Energy as included in the American Recovery and Reinvestment Act of 2009 (eligible for \$1,290,000.00). (flood)

0553-06-09, accepting Amendment No. 1 to the Administrative Plan which sets forth the policy and procedure for voluntary property acquisitions in the Greenway Area. (flood)

0554-06-09, approving the Final Plat of Rolling Meadows First Addition located east of Ely Road, opposite Roosevelt Road SW.

0555-06-09, authorizing the submittal of Traffic Safety Improvement Program (TSIP) applications to the Iowa Department of Transportation for traffic safety improvements located at the I-380 & Collins Road NE interchange and the Edgewood Road & Edgewood Parkway SW intersection.

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

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

0556-06-09, approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$10,115,000 General Obligation Refunding Capital Loan Notes, Series 2009C, and levying a tax to pay the Notes.

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

0557-06-09, approving and authorizing a form of loan agreement and authorizing and providing for the issuance of \$4,665,000 General Obligation Refunding Capital Loan Notes, Series 2009D, and levying a tax to pay the Notes.

0558-06-09, requiring all City expenditures related to the 90% allocation of local option sales tax revenue for buyout, rehabilitation and replacement housing that was lost in the flooding of 2008 be approved by the City Council. (flood)

0559-06-09, adopting FY2010 fire fees.

0560-06-09, authorizing continuation of existing employee severance package through fiscal year 2010.

Discussion: (Sue Vavroch)

0561-06-09, directing the sale of \$29,235,000 General Obligation Bonds, Series 2009A.

0562-06-09, Resolution directing the sale of \$2,490,000 General Obligation Urban Renewal Bonds, Series 2009B.

Discussion: (Jennifer Pratt)

Motion denying the request to consider amending Chapter 17A of the Municipal Code, Revitalization Areas, to designate property at the northwest corner of 60th Avenue and 4th Street SW as an Urban Revitalization Tax Exemption area. Nays, Gulick and Vernon

Discussion: (Chief Graham)

0563-06-09, approving the reorganization of the Police Department and the Animal Control Division by eliminating two Captain positions, one Detective position, one Animal Control Program Supervisor and one Animal Control Kennel Maintenance Worker.

Discussion: (Jim Prosser)

0564-06-09, approving the reorganization of the Code Enforcement Division by eliminating the Housing and Zoning Manager and Customer Service Representative I.

0565-06-09, authorizing execution of a Lease Agreement to extend lease of property at 3851 River Ridge Drive NE for two years at a monthly rental amount of \$23,410.50. (flood)

Discussion: (Sandi Fowler)

0566-06-09, authorizing receipt of Community Disaster Grant funds in the amount of \$10,764,503.75. (flood)

0567-06-09, authorizing execution of Amendment No. 3, in an amount not to exceed \$40,000.00, to the Administrative Services Agreement with the Affordable Housing Network, Inc. (AHNI) to allow utilization of \$1,000,000.00 in Community Disaster Grant program funds to serve gaps in the Jumpstart Housing Assistance Program. (flood)

0568-06-09, authorizing execution of Amendment No. 1 to the Professional Services Agreement with Transitions Made Better, Inc. (TMB), for the administration of the Community Disaster Grant Program for Small Business - "Business and Job Growth Gaps" (\$5,550,000.00) and "Affordable Rental Housing Gaps" (\$772,906.24). (flood)

0569-06-09, authorizing execution of Amendment No. 2 to the Professional Services Agreement with Transitions Made Better, Inc. (TMB), to allow for the administration of the Commercial Rental Assistance Program through the Iowa Department of Economic Development (IDED) for an interim 90-day period for an amount of 2% of the program funding (approximately \$100,000.00 depending upon applications received). (flood)

0570-06-09, approving the Community Disaster Grant Subrecipient Agreement for \$1,000,000.00 with Habitat for Humanity. (flood)

0571-06-09, approving the Community Disaster Grant Subrecipient Agreement for \$1,500,000.00 with the Neighborhood Development Corporation of Cedar Rapids (NDC-CR). (flood)

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, June 17, 2009 at 5:30 PM.

Ann Ollinger, City Clerk