

MINUTES OF THE CITY COUNCIL
CITY OF CEDAR RAPIDS, IOWA

May 13, 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 Assistant City Attorney Sheronick. Absent, Council member Vernon.

The invocation was given by Council member Tom Podzimek.

Presentation of Small Business Week proclamation by Mayor Halloran.

Presentation of National Media Campaign by Cassie Willis.

Public comments were heard.

Council member Podzimek moved to approve the agenda; seconded by Council member McGrane. City Manager Prosser announced that Item 18a. should state 3 properties (not 5) and 18b. should state 5 properties (not 6). Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke and Mayor Halloran. Motion carried as amended.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Highway 30 at C Street SW Ramp B Sanitary Sewer Relocation and Encasement project. No comments or objections were heard or filed.

0406-05-09, adopting plans, specifications, form of contract and estimated cost for the Highway 30 at C Street SW Ramp B Sanitary Sewer Relocation and Encasement project.

A public hearing was held to consider the Resolution of Necessity (Proposed) for the construction of the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements project. Comments and objections were heard. One letter of objection was filed.

0407-05-09, deferring the Resolution of Necessity proposed for the construction of the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements project until May 27, 2009. Abstain, Council member Fagan.

A public hearing was held to consider the vacation of a 10-foot utility easement at 901 31st Avenue SW as requested by Home to Stay, L.P. No comments or objections were heard or filed.

A public hearing was held to consider an amendment to the FY08 Community Development Block Grant (CDBG) Annual Action Plan allowing Cedar Rapids to access an

additional \$536,843.00 through the Homeless Prevention Fund as authorized by the American Recovery and Reinvestment Act. No comments or objections were heard or filed.

0408-05-09, amending the FY08 Community Development Block Grant (CDBG) Annual Action Plan allowing Cedar Rapids to access an additional \$536,843.00 through the Homeless Prevention Fund as authorized by the American Recovery and Reinvestment Act.

Council member Podzimek moved to adopt the following motions; seconded by Council member Wieneke. 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. May 27, 2009 - to consider a substantial amendment to the FY08 Community Development Block Grant (CDBG) Annual Action Plan allowing the City to access an additional \$350,616.00 in CDBG funds (known as CDBG-R) through the American Recover and Reinvestment Act (ARRA);
- b. May 27, 2009 - to consider amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to establish setbacks in the R-TN Traditional Neighborhood Residence Zone District; and
- c. May 27, 2009 - to consider amending the fiscal year 2009 budget.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2009 and advertising for bids by publishing notice to bidders for the 5th Avenue SE & 10th Street SE and Wenig Road NE & 42nd Street NE Traffic Signal Upgrade project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on June 11, 2009 (Engineer’s estimate of cost is \$120,000).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2009 and advertising for bids by publishing notice to bidders for the FY 2010 Sidewalk and Ramp Program – Contract No. 1 and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on May 28, 2009 (Engineer’s estimate of cost is \$148,000).

Motion filing plans and specifications, setting a public hearing date for May 27, 2009 and advertising for bids by publishing notice to bidders for the Repair of Water Service Lines FY10 and authorizing the Utilities Director, or designee, to receive and open the bids and publicly announce the results on June 11, 2009 (Engineer's estimated cost is \$420,000).

Motion filing specifications, form of contract, setting a public hearing date for May 27, 2009 and advertising for bids by publishing notice to bidders for the Flood Related Structure

Demolition and authorizing the Purchasing Director, or designee, to receive and open the bids and publicly announce the results on June 11, 2009.

Motion approving the beer/liquor/wine applications of:

- a. Aramark Educational Services (Mt Mercy College), 1330 Elmhurst Drive NE;
- b. Beaver Creek Saloon, 1010 2nd Avenue SW (new-formerly Needleworks);
- c. Benz Beverage Depot, 501 7th Avenue SE (5-day Beer Permit for an event on May 16, 2009);
- d. Blend, 221 2nd Avenue SE (Outdoor Service for Sidewalk Café);
- e. The Bohemian, 95 16th Avenue SW (5-day Beer permit for an event on May 15 - 17, 2009);
- f. Chrome Horse Slop House & Saloon, 1202 3rd Street SE (Outdoor Service for an event on May 17, 2009);
- g. Cigarette Outlet #6, 1404 1st Avenue NE;
- h. CVS Pharmacy #8526, 4116 Center Point Road NE;
- i. CVS Pharmacy #8532, 2711 Mt. Vernon Road SE;
- j. Double Inn, 629 Ellis Blvd NW;
- k. Elmcrest Country Club, 1000 36th Street NE;
- l. Emil's Deli, 7037 C Avenue NE Suite #200 (new-formerly Nick & Willie's Pizza);
- m. HuHot Mongolian Grill, 4444 1st Avenue NE Suite #560 (new-formerly Bennigan's);
- n. Parktown BP, 4141 Center Point Road NE;
- o. Pei's Mandarin, 3287 6th Street SW;
- p. Phong Lan Vietnamese Restaurant, 216 8th Street SE;
- q. Red Lion Lounge, 3970 Center Point Road NE;
- r. Tobacco Outlet #520, 124 Collins Road NE; and
- s. Tornado's Tournament Room, 1400 3rd Street SE (Outdoor service for events on May 15 - 17, 2009 and June 13, 2009).

Motion recommending the approval of the six month beer/liquor/wine application of Brick's Bar & Grill, 320 2nd Avenue SE (new ownership).

Motion authorizing Cedar Rapids Jaycees to transfer their Class "B" Beer Permit to Greene Square Park, 400 4th Avenue SW, for Uptown Friday Nights on May 22, 29, June 5, 12, 19, 26 and July 3,10, 17, 24, 2009.

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

0409-05-09, approving bills. Abstain, Council member McGrane.

0410-05-09, approving payroll.

0411-05-09, authorizing the Benz Beerfest Beer Tasting Event in the 500 block of 7th Avenue SE (including street closure) on May 16, 2009.

0412-05-09, authorizing St. Luke's Lifeguard Helicopter to land at Veterans Memorial Stadium for EMS Night at the Kernels game on June 6, 2009.

0413-05-09, appointing and reappointing the following individuals: Patricia Cargin (effective through June 30, 2010), Matthew Carstens (effective through June 30, 2012), Richard Comried (effective through June 30, 2012), Bradley Fritz (effective through June 30, 2012), Barbara Goings (effective through June 30, 2010), Todd Montgomery (effective through June 30, 2010) and Jon Thompson (effective through June 30, 2010) and reappointing Maura Pilcher (effective through June 30, 2012) to the Historic Preservation Commission; and

0414-05-09, reappointing Bill Vernon (effective through June 30, 2014) to the Board of Adjustment.

0415-05-09, intent to assess for Solid Waste & Recycling clean up costs at 3 properties.

0416-05-09, levy assessment for Solid Waste & Recycling clean up costs at 5 properties.

0417-05-09, intent to assess for Utilities Department delinquent municipal utility bills at 20 properties.

0418-05-09, levy assessments for Utilities Department delinquent municipal utility bills at 12 properties.

0419-05-09, levy assessments for Utilities Department delinquent municipal utility bills at 11 properties.

0420-05-09, levy assessments for Public Works snow removal from sidewalks at 5 properties.

0421-05-09, IT purchase of service to provide connectivity to City facilities with Dynamic Broadband, Inc. for a total amount of \$157,472.00.

0422-05-09, awarding and approving contract in the amount of \$66,680.50 plus incentive up to \$3,000.00, bond and insurance of Rathje Construction Co. for the Broadlawn Drive SE Storm Sewer and Grading Repairs project (Engineer's estimated cost is \$80,000).

0423-05-09, Purchase Agreement in the amount of \$120.00 and accepting an Easement for Utilities from 88&8 Associates Partnership from land at 525 10th Street SE in connection with the FY09 Traffic Signal Upgrade project.

0424-05-09, Purchase Agreement in the amount of \$12,200.00 and accepting an Easement for Utilities, Easement for Sanitary Sewer and Temporary Grading Easement for Construction from PAH Family Limited Partnership, L.P. from land at 5101 18th Avenue SW in connection with the 18th Avenue SW from West Post Road to 1,300 feet East improvements project.

0425-05-09, Purchase Agreement in the amount of \$15,800.00 and accepting an Easement for Sanitary Sewer and Temporary Grading Easement for Construction from the Cedar

Rapids Community School District from land at 5200 E Avenue NW in connection with the E Avenue NW at West Post Road North to F Avenue NW Sanitary Sewer Improvement project.

0426-05-09, Amendment No. 1 to the Professional Services Agreement with Anderson-Bogert Engineers & Surveyors, Inc. specifying an increase not to exceed \$61,900.00 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 \$196,900.00).

0427-05-09, Warranty Deed in consideration of \$10.00 and other valuable consideration, a Utility Easement in consideration of \$1.00 and other valuable consideration and a Concrete Pavement Petition and Assessment Agreement for property at 1815 1st Avenue SE, submitted by 1815 First Avenue Development LLC.

0428-05-09, 28E Agreement with Linn County for performing roadway repairs and improvements in the amount of \$6,372.29 on shared portions of the Otis Road SE and Bertram Road intersection in connection with the Otis Road and Bertram Road Intersection Resurfacing project.

0429-05-09, accepting the established fair value in the amount of \$1.00 each for temporary grading easements for construction from lands at 323 40th Street NE (Leonard H. and Beatrice A. Kolar, owners); 3924 B Ave NE (Kerry D. Byrd, owner) and 249 40th Street NE (Mikyung Waite, owner) in connection with the 40th Street NE from 1st Avenue to C Avenue NE Sidewalk project.

0430-05-09, Professional Services Agreement with Ament, Inc. in an amount not to exceed \$198,424.00 for design and construction administration services in connection with the GTC Montessori project. (flood)

0431-05-09, Amendment No. 1 to the Professional Services Agreement with Terracon Consultants, Inc. specifying an increased amount not to exceed \$30,000.00 for Special Inspections Construction Observation and Testing Water Plants Disinfection Improvements Project (total contract price with this amendment is \$155,000.00).

0432-05-09, Amendment No. 1 to the Agreement with Red Oak Consulting for Phase two of the Utilities Financial Planning and Cost-of-Service Rate Study for a not-to-exceed amount of \$32,000.00 (total cost of the Agreement with Amendment No. 1 is \$72,000.00).

0433-05-09, awarding and approving contract in the amount of \$911,982.00, bond and insurance of Gerard Electric, Inc. for the Water Division Access Control and Video Surveillance project (Engineer's estimated cost is \$772,000.00).

0434-05-09, Fleet Services purchase of 12 Ford Crown Victoria Police Interceptors from Ed Stivers Ford for the total amount of \$271,752.00.

0435-05-09, extending the emergency contract with Port 'O' Jonny, Inc. to continue to provide portable toilets in the residential areas affected by the flood for the estimated amount of \$320,000.00. (flood)

0436-05-09, renewing the Centrifuge System maintenance and repair services contract with Centrisys Corporation for the contract period June 1, 2009 through May 31, 2010 for an estimated annual amount of \$150,000.00.

0437-05-09, renewing the Letter of Agreement with Bauer Built Tire for Citywide new tires, retread tires and repair services for an estimated annual amount of \$200,000.00.

0438-05-09, contract with JCG Land Services, Inc. for intake services for approximately 1,154 flood damaged parcels for an amount not to exceed \$69,736.22. (flood)

0439-05-09, contract with Iowa Title Company for title and abstract services for potentially 1,300 parcels within areas severely impacted by the 2008 flooding for an estimated amount of \$962,000.00. (flood)

0440-05-09, Fleet Services purchase of 10 leaf vacuum trucks from Elliott Equipment Company for a total amount of \$1,335,008.00.

0441-05-09, six-month contract with Munters Corporation for temporary climate control of City owned flood damaged structures for an estimated amount of \$5,012,526.18. (flood)

0442-05-09, accepting the Emergency Flood Recovery Phase I project, approving the Performance Bond in the amount of \$2,182,000.00 and authorizing final payment in the amount of \$110,893.03 to WRH, Inc. (aka Wendler Engineering & Construction, Inc.) (Final contract amount is \$2,217,860.53). (flood)

0443-05-09, accepting the CRWPCF Main Lift Station Mezzanine Level Modifications project, approving the Performance Bond in the amount of \$144,600.00 and authorizing final payment in the amount of \$6,681.94 to WRH, Inc. (aka Wendler Engineering & Construction, Inc.) (Final contract amount is \$133,638.85). (flood)

0444-05-09, accepting the WPC Solids Dewatering Building Caustic Soda Bulk Storage project, approving the Performance Bond in the amount of \$222,260.00 and authorizing final payment in the amount of \$11,189.15 to WRH, Inc. (aka Wendler Engineering & Construction, Inc.) (Final contract amount is \$223,782.94).

0445-05-09, accepting the Oak Hill Neighborhood Alley Reconstruction and Sanitary Sewer Replacement project, approving the Performance Bond in the amount of \$275,743.05 and

authorizing final payment in the amount of \$11,896.29 to Dolan Excavating, LLC (Final contract amount is \$237,925.80).

0446-05-09, approving the Final Plat of Westwind Creek Sixth Addition located at Hillsboro Drive SW and Hallbrook Street SW.

0447-05-09, approving the Final Plat of Cedar Ridge Place 3rd Addition located south of Brighton Circle SW and west of Woodstone Lane SW.

0448-05-09, approving the Final Plat of Custom Hose First Addition located south of 66th Avenue SW and west of 8th Street SW.

0449-05-09, approving re-prioritization of Economic Development Administration (EDA) grant requests.

0450-05-09, releasing a Subdivision Bond filed by Simoens Construction in the amount of \$19,000.00 covering sidewalk improvements in Council Wood Acres 1st Addition located west of Council Street NE on Woodcrest Street NE.

0451-05-09, granting permission for a proposed concrete driveway to encroach onto portions of the existing storm sewer easement at 1612 Morris Avenue NW as requested by Todd A. and Jennifer L. Wade.

0452-05-09, waiving the requirement of providing one street tree for each single-family residential construction within the June 2008 flood affected area. (flood)

0453-05-09, accepting the Affidavit for Service Line Reimbursement from the property owner at 1242 4th Avenue SE agreeing to reimburse the City on a monthly installment basis for the replacement of the water service line.

0454-05-09, establishing the City's investment depository limits with financial institutions.

0455-05-09, Amendment No. 3 to the Professional Services Agreement with BASE Tactical Disaster Recovery specifying an increase not to exceed \$186,400.00 for Flood Recovery Management services in connection with the flood of June 2008 (total contract price with this amendment is \$786,400.00).

Discussion: (Christine Butterfield)

0456-05-09, approving the Neighborhood Reinvestment Framework Plan. (flood)

Discussion: (Brad Larson)

0457-05-09, extending the Neighborhood Planning Process Steering Committee's term and service to include outreach and oversight of the implementation of the Neighborhood Planning Process (NPP) action plans. (flood)

Discussion: (Rob Davis)

0458-05-09, regarding a Concrete Sidewalk Petition and Assessment Agreement and the requirement to install concrete sidewalk along J Street SW adjoining property at 4601 J Street SW as requested by R. W. Rinderknecht Company, stating sidewalk installation shall be constructed in accordance with improvement plans approved by the City Public Works Director/City Engineer and not be deferred. Nays, Council members Shields and Wieneke.

Discussion: (Rob Davis)

0459-05-09, regarding discretionary funding and building facilities upgrades associated with June 2008 flood recovery. (flood)

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for May 27, 2009 and advertising for bids by publishing notice to bidders for the Jones Golf Course Clubhouse Flood Recovery project and authorizing the City Engineer, or designee, to receive and open the bids and publicly announce the results on May 28, 2009 (Engineer's estimated cost is \$292,000). (flood)

Discussion: (Vern Zakostelecky)

0460-05-09, granting a time extension for the approved Preliminary Plat of Stallion Addition for property north of Blairs Ferry Road NE and east of Milburn Road NE as requested by property owner Betty J. Bertelli.

Discussion: (Martin Hoeger)

0461-05-09, rescinding Resolution No. 0974-11-08 which approved City participation in the construction of a new home by Drew Holdings, Inc. within the Oak Hill Housing and Neighborhood Development (HAND) Program area.

Discussion: (Martin Hoeger)

0462-05-09, approving City participation in the construction of five new homes within the Oak Hill Housing and Neighborhood Development Program (HAND) area as requested by Skogman Construction Company of Iowa (Midwest Development Company) and recommended by the Replacement Housing Task Force.

Discussion: (Brad Larson)

0463-05-09, extending the service of the Environmentally Sensitive Area (ESA) Task Force.

0464-05-09, extending the service of the Infill Task Force.

Discussion: (Richard Luther)

0465-05-09, authorizing the submittal of an application by Diamond V Mills, Incorporated to the Iowa Department of Economic Development (IDED) through the Community Economic Betterment Account (CEBA) Disaster Recovery Component for a \$435,000.00 reimbursement of flood recovery costs. (flood)

Discussion: (Richard Luther)

0466-05-09, regarding support of Theatre Cedar Rapids' application for State Vision Iowa RECAT Grant. (flood)

Discussion: (Beth Weeks)

0467-05-09, denying the requests by PMX Industries, Inc. and Cedar Lake Development for property tax exemptions for recreational lakes, wetlands, open prairie, river and stream banks, forest cover, rivers and streams as provided in 427.1 (22)(23)(24), Code of Iowa. Nays, Council members Fagan and Gulick.

Report on bids for the Water Pollution Control Facilities Biogas Handling Systems Improvements project. (Pat Ball)

Bids were received on May 7, 2009:

	<u>Base Bid</u>	<u>Allowance</u>	<u>Total Lump Sum Bid plus Allowance</u>
Miron Construction Co., Inc.	\$2,599,600.00	\$100,000.00	\$2,699,600.00
Story Construction Company	\$2,750,000.00	\$100,000.00	\$2,850,000.00
WRH, Inc. (a/k/a Wendler)	\$2,877,000.00	\$100,000.00	\$2,977,000.00
Tricon Construction	\$3,088,000.00	\$100,000.00	\$3,188,000.00
Unzeitig Construction	\$3,112,000.00	\$100,000.00	\$3,212,000.00

Bids were referred to the Water Pollution Control Facilities and Applied Technologies, Inc.

0468-05-09, awarding and approving contract in the amount of \$2,699,600.00, bond and insurance of Miron Construction for the Water Pollution Control Facilities Biogas Handling Systems Improvements project. Nay, Council member Shields.

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 8:50 PM to meet Wednesday, May 20, 2009 at 5:30 PM.

Ann Ollinger, City Clerk