

MINUTES OF THE CITY COUNCIL  
CITY OF CEDAR RAPIDS, IOWA

May 27, 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, Rick Gail, First Assembly of God.

Public comments were heard.

Council member Podzimek moved to take the agenda out of order since the Public Hearings could not be held until 6:00 PM due to the time published in the notices in the Cedar Rapids Gazette; seconded by Council member McGrane. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Motion carried.

Council member McGrane moved to approve the agenda; seconded by Council member Podzimek. Council member Fagan requested that Items #31, #32, #33 and #34 (Resolutions pertaining to the sale of Bonds) be removed from the Consent Agenda and placed on the Regular agenda. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Motion carried as amended.

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 10, 2009 - to consider the continuation of disposal of excess City-owned property at 6900 Council Street NE; and
- b. June 10, 2009 - to consider the continuation of disposal of excess City-owned property at 2135 and 2147 20<sup>th</sup> Street NW.

Motion approving the beer/liquor/wine applications of:

- a. Alz, 86 16<sup>th</sup> Avenue SW (change in D/B/A formerly Zindrick's);
- b. Casa Las Glorias, 2245 Blairs Ferry Road NE;
- c. Chrome Horse Slop House & Saloon, 1202 3<sup>rd</sup> Street SE (Additional Outdoor Service for events on June 13 and 20, 2009);
- d. Chrome Horse Slop House & Saloon, 1202 3<sup>rd</sup> Street SE (Additional Outdoor Service for Friday night concerts June 5 through August 21, 2009);

- e. Fraternal Order of Eagles, 1735 11<sup>th</sup> Street NW;
- f. Jersey's Pub & Grub, 5761 C Street SW (Outdoor Service for an event on June 6, 2009);
- g. Olive Garden, 367 Collins Road NE;
- h. Panchero's Mexican Restaurant, 2315 Edgewood Road SW #210;
- i. Pizza Hut #4311, 223 Collins Road NE;
- j. Pizza Hut #4351, 1640 Edgewood Road SW;
- k. Red Lobster, 163 Collins Road NE;
- l. Red Robin American Gourmet Burger and Spirit, 4625 1<sup>st</sup> Avenue SE;
- m. Ruby Tuesday, 217 Collins Road NE;
- n. Tobacco Outlet #560, 2846 Mt Vernon Road SE; and
- o. US Cellular Center/Sodexo, 370 1<sup>st</sup> Avenue NE.

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

0471-05-09, approving bills.

0472-05-09, approving payroll.

0473-05-09, approving the special event application for the Cedar Rapids Downtown District to hold the Downtown Farmers' Market on seven Saturdays from June 6 - October 10, 2009.

0474-05-09, approving the special event application for the Daybreak Rotary to hold the Daybreak Rotary Duck Race event on June 6, 2009.

0475-05-09, approving the special event application for the Cedar Rapids Downtown District to hold Flood Stock 2009 events on June 11 - 13, 2009.

0476-05-09, approving the special event application for the Cedar Rapids Fire Department Local #11 to hold Fill the Boot for MDA events on June 12, July 17 and September 4 - 7, 2009.

0477-05-09, approving the special event application for Kari Lammer and Kathleen Pegg to hold Flood Run 2009 on June 13, 2009.

0478-05-09, approving the special event application for Serve the City to hold Healing in the Heartland event on June 13, 2009.

0479-05-09, appointing Gregory Stokesberry (effective through May 13, 2010) to the Neighborhood Planning Process Steering Committee.

0480-05-09, levy assessments for Solid Waste & Recycling clean up costs at 4 properties.

0481-05-09, intent to assess for Utilities Department for delinquent municipal utility bills at 21 properties.

0482-05-09, intent to assess for Utilities Department for charges to replace a water service line at 1 property.

0483-05-09, levy assessments for Utilities Department for delinquent municipal utility bills at 11 properties.

0484-05-09, approving a Prime Tenant Lease Agreement with Newco Riders, LLC for the RoughRiders Hockey Team.

0485-05-09, awarding and approving contract in the amount of \$59,185.00 plus incentive up to \$1,000.00, bond and insurance of Ricklefs Excavating, Ltd. for the Highway 30 at C Street SW Ramp B Sanitary Sewer Relocation & Encasement project (Engineer's estimated cost is \$110,000).

0486-05-09, accepting a Warranty Deed in consideration of \$10.00 and other valuable consideration, an Agreement for Private Storm Water Detention, Agreement for Private Sanitary Sewer Facilities, an Easement for Access to Public Sanitary Sewer Facilities in consideration of \$1.00 and other valuable consideration, and an Easement for Public Sidewalk in consideration of \$1.00 and other valuable consideration for property located south of O Avenue NW and east of 16<sup>th</sup> Street NW, submitted by Meth-Wick Community, Inc.

0487-05-09, approving payment in the amount of \$1,500,000.00 to the US Army Corps of Engineers to continue the Cedar River Feasibility Study. (flood)

0488-05-09, accepting an Easement for Utilities for \$1.00 and other valuable consideration from College Community School District from land at 401 76<sup>th</sup> Avenue SW following the Prairie School westerly property line from 76<sup>th</sup> Avenue, south to the City's Hoosier lift station.

0489-05-09, authorizing the Water Division purchase of annual software update support and license fees for FY10 from Oracle in the amount of \$50,173.07.

0490-05-09, authorizing the Water Division purchase of seven complete electrical recloser controller panels from Interstate Power & Light Company in the amount of \$111,000.00. (flood)

0491-05-09, authorizing execution of a Professional Services Agreement with HDR Engineering, Inc. for engineering and planning services to assist in writing a comprehensive Energy Management Plan for an estimated amount of \$980,347.00.

0492-05-09, approving Fleet Services purchase of two side load recycling bodies, four rear load packer bodies and three yard waste packer bodies from Elliott Equipment Company for a total amount of \$763,822.00.

0493-05-09, authorizing execution of a Professional Services Agreement with OPN Architects for the Public Participation Process for Community Facilities, Process Management and Planning Services for an estimated amount of \$440,000.00. (flood)

0494-05-09, vacating a 10-foot utility easement at 901 31<sup>st</sup> Avenue SW as requested by Home to Stay, L.P.

0495-05-09. granting permission for an existing building to encroach onto portions of the existing 10-foot utility easement and an existing sign to continue to encroach onto portions of the existing 10-foot utility easement, an existing sanitary sewer easement and City right-of-way at 4250 Glass Road NE as requested by Glass Road Investments, LLC.

0496-05-09. referring to the Linn County Compensation the acquisition of temporary construction easements for sidewalk from properties at 323 40<sup>th</sup> Street NE (Leonard H. and Beatrice A. Kolar, owners); 3924 B Avenue NE (Kerry D. Byrd, owner); 249 40<sup>th</sup> Street NE (Mikyung Waite, owner) in accordance with eminent domain proceedings in connection with the 40<sup>th</sup> Street NE from 1<sup>st</sup> Avenue to C Avenue NE Sidewalk project.

0497-05-09, authorizing mailing and publication of Notice of Intent to Proceed with an approved public capital improvement project for the Sanitary Sewer Extension from Willow Creek Drive SW to South of 60<sup>th</sup> Avenue and West of 26<sup>th</sup> Street project, and to commence the acquisition of easements for the project and setting a public hearing date for July 8, 2009.

0498-05-09. fixing value of lots and adopting preliminary plat and schedule, estimate of cost and proposed preliminary plans and specifications for the construction of the East Post Road over Indian Creek Bridge Replacement project.

0499-05-09, appointing Council member Brian Fagan to the Czech Village/New Bohemia Urban Main Street Program Board of Directors. (flood)

0500-05-09, retaining four Cedar Rapids law firms to provide legal services in connection with property acquisitions. Abstain, Council members Fagan, Podzimek, Shey and Vernon.

0501-05-09, approving the Action Plan for Bicycle Friendly Community Status.

Discussion: (Pat Ball)

Conversion from “community steam” systems to individual steam systems.

Council member Wieneke moved to approve Option A for Low Pressure – Money is awarded to building owners based on the lesser of 50 percent of their actual conversion costs; or their proportional usage multiplied by the total for this program (\$8 million). Any remaining funds left over would be reallocated based on the proportional share of their award and also

approve Option B for High Pressure – Money is awarded to High Pressure Users based on the weighted average of the pro-rata share of estimated/actual costs, the pro-rata share of usage and an efficiency factor above 90% efficiency as developed by the State of Iowa’s Office of energy Independence. \$8 million would be allocated based on: 40% weighted average based on costs; 40% weighted average based on usage; 20% weighted average based on efficiency, use the “Buy Down” rate solution option and include efficiency; seconded by Council member Podzimek. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Motion carried.

A public hearing was held to consider the proposition to issue not to exceed \$26,235,000 General Obligation Bonds (Essential Corporate Purpose). No comments or objections were heard or filed.

0502-05-09, instituting proceedings to take additional action for the issuance of not to exceed \$26,235,000 General Obligation Bonds, Series 2009A.

A public hearing was held to consider the proposition to issue not to exceed \$790,000 General Obligation Bonds (General Corporate Purpose). No comments or objections were heard or filed.

0503-05-09, instituting proceedings to take additional action for the authorization and issuance of not to exceed \$790,000 General Obligation Bonds, Series 2009.

A public hearing was held to consider the proposition to issue not to exceed \$2,275,000 General Obligation Bonds (Essential Corporate Purpose). No comments or objections were heard or filed.

0504-05-09, instituting proceedings to take additional action for the issuance of not to exceed \$2,275,000 General Obligation Bonds, Series 2009.

A public hearing was held to consider the alternative proposition to issue not to exceed \$2,495,000 General Obligation Bonds (Essential Corporate Purpose). No comments or objections were heard or filed.

A public hearing was held to consider the alternative proposition to issue not to exceed \$2,495,000 General Obligation Bonds (Urban Renewal) No comments or objections were heard or filed.

0505-05-09, instituting proceedings to take additional action for the authorization and issuance of not to exceed \$2,495,000 General Obligation Bonds (Urban Renewal).

A public hearing was held to consider the proposition to authorize a Loan Agreement and issue not to exceed \$11,000,000 General Obligation Refunding Capital Notes. No comments or objections were heard or filed.

0506-05-09, instituting proceedings to take additional action for the authorization of a loan agreement and the issuance of not to exceed \$11,000,000 General Obligation Refunding Capital Loan Notes, Series 2009C.

A public hearing was held to consider the proposition to authorize a Loan Agreement and issue not to exceed \$5,000,000 General Obligation Refunding Capital Notes. No comments or objections were heard or filed.

0507-05-09, instituting proceedings to take additional action for the authorization of a loan agreement and the issuance of not to exceed \$5,000,000 General Obligation Refunding Capital Loan Notes, Series 2009D.

A public hearing was held to consider the proposition to issue not to exceed \$8,600,000 Sewer Revenue Bonds. No comments or objections were heard or filed.

0508-05-09, instituting proceedings to take additional action for the issuance of not to exceed \$8,600,000 Sewer Revenue Bonds, Series 2009E.

A public hearing was held to consider the proposition to issue not to exceed \$9,000,000 Water Revenue Bonds. No comments or objections were heard or filed.

0509-05-09, instituting proceedings to take additional action for the issuance of not to exceed \$9,000,000 Water Revenue Bonds, Series 2009F.

A public hearing was held 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). No comments or objections were heard or filed.

0510-05-09, amending the FY08 Community Development Block Grant (CDBG) Annual Action Plan.

A public hearing was held to consider amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to establish setbacks in the R-TN Traditional Neighborhood Residence Zone District. No comments or objections were heard or filed.

Ordinance No. 018-09, being an Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to establish setbacks in the R-TN Traditional Neighborhood Residence Zone District, was presented and read the first time. (flood)

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

Council member Podzimek moved that the rule requiring three reading on three different days be suspended and the Ordinance be approved on its second reading; seconded by Council member McGrane. 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, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

A public hearing was held to consider amending the fiscal year 2009 budget. No comments or objections were heard or filed.

0511-05-09, amending the fiscal year 2009 budget.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the 5<sup>th</sup> Avenue SE & 10<sup>th</sup> Street SE and Wenig Road NE & 42<sup>nd</sup> Street NE Traffic Signal Upgrade project (Engineer's estimate of cost is \$120,000). No comments or objections were heard or filed.

0512-05-09, adopting plans, specifications, form of contract and estimated cost for the 5<sup>th</sup> Avenue SE & 10<sup>th</sup> Street SE and Wenig Road NE & 42<sup>nd</sup> Street NE Traffic Signal Upgrade project.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the FY 2010 Sidewalk and Ramp Program – Contract No. 1 (Engineer's estimate of cost is \$148,000). Comments were heard. No objections were heard or filed.

0513-05-09, adopting plans, specifications, form of contract and estimated cost for the FY 2010 Sidewalk & Ramp Program – Contract No. 1.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Repair of Water Service Lines FY10 (Engineer's estimated cost is \$420,000). No comments or objections were heard or filed.

0514-05-09, adopting plans, specifications, form of contract and estimated cost for the Repair of Water Service Lines FY10 project.

A public hearing was held to consider the proposed specifications, form of contract and estimated cost for the Flood Related Structure Demolition. (flood) No comments or objections were heard or filed.

0515-05-09, adopting specifications, form of contract and estimated cost for the Flood Related Structure Demolition.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Jones Golf Course Clubhouse Flood Repair project (Engineer's estimated cost is \$292,000) (flood). No comments or objections were heard or filed.

0516-05-09, adopting plans, specifications, form of contract and estimated cost for the Jones Golf Course – Clubhouse Flood Repair project.

0517-05-09, directing the sale of not to exceed \$11,000,000 General Obligation Refunding Capital Loan Notes, Series 2009C.

0518-05-09, directing the sale of not to exceed \$5,000,000 General Obligation Refunding Capital Loan Notes, Series 2009D.

0519-05-09. authorizing the redemption of outstanding General Obligation Bonds of the City of Cedar Rapids, Iowa, dated June 1, 1996; June 1, 1997; December 1, 1998 and June 1, 1999, and directing notice be given.

0520-05-09, directing the advertisement for the sale of \$29,235,000 General Obligation Bonds, Series 2009A and \$2,490,000 General Obligation Bonds, Series 2009B and approving the electronic bidding procedures.

Discussion: (Beth Chamberlin)

0521-05-09, approving the Minor Preliminary Plat of Nove's First Addition for property located south of 76<sup>th</sup> Avenue SW between Cherry Valley Road and Tissel Hollow Road in Linn County, as requested by Frank Bellon.

Discussion: (Rob Davis)

0522-05-09, adopt without amendment, the Resolution of Necessity (Proposed) for the 6<sup>th</sup> Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements Project. Nay, Council member Shields. Abstain, Council member Fagan (Conflict of interest due to employment)

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 8:00 PM to meet Wednesday, June 3, 2009 at 5:30 PM.

Ann Ollinger, City Clerk