

MINUTES OF THE CITY COUNCIL  
CITY OF CEDAR RAPIDS, IOWA

October 14, 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. **Council member Vernon voted on the Resolutions and Ordinances by way of telephone as recorded on the documents themselves.**

The invocation was given by Council member Podzimek.

Presentation of White Cane Safety Day proclamation by Mayor Halloran.

Report regarding Strategic Planning Progress and Review on October 13, 2009 by Mayor Halloran.

Public comments were heard.

Council member Fagan moved to approve the agenda; seconded by Council member McGrane. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke, Mayor Halloran Council member Vernon. Motion carried.

A public hearing was held to consider the disposal of a 7,628 square foot parcel of vacant City-owned land located on the north side of Otis Road SE, west of 44<sup>th</sup> Street SE and east of and adjacent to the MidAmerican Energy Company gas substation. No comments or objections were heard or filed.

0973-10-09, disposing of a 7,628 square foot parcel of vacant City-owned land located on the north side of Otis Road SE, west of 44<sup>th</sup> Street SE and east of and adjacent to the MidAmerican Energy Company gas substation.

A public hearing was held to consider an amendment to the Future Land Use Map in the City's Comprehensive Plan for property south of Wilson Avenue SW and west of and adjacent to 12<sup>th</sup> Street SW from Industrial to Institutional/Public as requested by Steven F. Dummermuth Revocable Trust and Hill's Maple Crest Farms Partnership (flood) No comments or objections were heard or filed.

0974-10-09, amending the Future Land Use Map in the City's Comprehensive Plan for property south of Wilson Avenue SW and west of and adjacent to 12<sup>th</sup> Street SW from Industrial to Institutional/Public as requested by Steven F. Dummermuth Revocable Trust and Hill's Maple Crest Farms Partnership.

A public hearing was held to consider a change of zone for property south of Wilson Avenue SW and west of and adjacent to 12<sup>th</sup> Street SW from I-1 Light Industrial Zone District and I-2 General Industrial Zone District to PUB Public Zone District as requested by Linn County and Steven F. Dummermuth Revocable Trust and Hill's Maple Crest Farms Partnership. (Flood) No comments or objections were heard or filed.

Ordinance No. \_\_\_\_\_, being an Ordinance granting a change of zone for property south of Wilson Avenue SW and west of and adjacent to 12<sup>th</sup> Street SW from I-1 Light Industrial Zone District and I-2 General Industrial Zone District to PUB Public Zone District as requested by Linn County and Steven F. Dummermuth Revocable Trust and Hill's Maple Crest Farms Partnership, 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 Wieneke. Approved, Ayes, Council member Fagan, Gulick, Podzimek, Shey, Shields, Wieneke, Mayor Halloran and Council member Vernon.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the 1<sup>st</sup> Avenue (IA 922/US Bus.151) Marion Boulevard & Collins Road PCC Pavement with HMA Resurfacing project (bid opening to be held at the Iowa Department of Transportation on October 20, 2009) (Engineer's estimated cost is \$7,581,000) No comments or objections were heard or filed.

0975-10-09, adopting plans, specifications, form of contract and estimated cost for the 1<sup>st</sup> Avenue (IA 922/US Bus. 151) Marion Boulevard & Collins Road PCC Pavement with HMA Resurfacing project.

Council member Podzimek moved to approve the consent agenda; seconded by Council member McGrane. Council member Shields requested that item #20 (Resolution adopting amended Procedural Rules of Council meetings and adopting the 2010 City Council meeting schedule) be removed from the Regular Agenda and placed on the Consent Agenda for discussion. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke, Mayor Halloran and Council member Vernon. Motion carried as amended.

Motion to approve minutes.

Motions setting public hearing/hearing dates for:

- a. October 28, 2009 – to consider the vacation and disposition of the alley between 9<sup>th</sup> Avenue SE and 10<sup>th</sup> Avenue SE from 120 feet northeasterly of 5th Street SE to 6th Street SE except the 10’ of alley right-of-way adjoining the property at 516 10<sup>th</sup> Avenue SE, as requested by Hatch Development Group;
- b. October 28, 2009 – to consider the vacation and disposition of the alley from 11<sup>th</sup> Avenue SE to 12<sup>th</sup> Avenue SE between 6<sup>th</sup> Street SE and 7<sup>th</sup> Street SE except the 10’ of alley right-of-way adjoining the property at 1107 7<sup>th</sup> Street SE, as requested by Hatch Development Group;
- c. October 28, 2009 – to consider the vacation and disposition of an 899 square foot right-of-way parcel located in the alley between 7<sup>th</sup> Avenue and 8<sup>th</sup> Avenue SE and between 3<sup>rd</sup> Street to 4<sup>th</sup> Street SE as requested by Elm Real Estate, L.C.;
- d. October 28, 2009 – to consider the vacation of a sanitary sewer and utility easement at 317 7<sup>th</sup> Avenue SE and 316 8<sup>th</sup> Avenue SE as requested by Elm Real Estate, L.C. and D&S Building Co. Inc.; and
- e. October 28, 2009 – to consider an Ordinance repealing Chapter 33 of the Municipal Code, Building Code, and enacting and adopting in lieu thereof the International Existing Building Code, 2009 edition; and
- f. October 28, 2009 – to consider an Ordinance repealing Chapter 34 of the Municipal Code, Electrical Code, and enacting and adopting in lieu thereof the 2008 National Electrical Code, as amended.

Motion approving the beer/liquor/wine applications of:

- a. 5<sup>th</sup> Gear, 4617 J Street SW;
- b. Best Western Coopers Mill, 100 F Avenue NW;
- c. Buffalo Wild Wings Grill & Bar, 1100 Blairs Ferry Road NE;
- d. Cedar Rapids Piano Lounge, 208 2<sup>nd</sup> Avenue SE;
- e. Cedar Rapids Ice Arena, 1100 Rockford Road SW;
- f. Creative Croissants, 2121 Arthur Collins Pkwy SW;
- g. Holiday Inn Express, 1230 Collins Road NE;
- h. Holiday Inn Express, 3320 Southgate Court SW;
- i. Hy-Vee Drugstore #3, 2405 Mt Vernon Road SE;
- j. Java Creek Café, 588 Boyson Road NE #112;
- k. Kwik Shop #560, 3301 J Street SW;
- l. Kwik Shop #561, 2904 Center Point Road NE;
- m. Kwik Shop #563, 1001 1<sup>st</sup> Avenue SW;
- n. Kwik Shop #565, 4201 Center Point Road NE;
- o. Panchero’s Mexican Grill, 5300 Edgewood Road NE #100 (new-formerly Dickey’s BB-Q);
- p. Sammy’s Lounge, 5521 Center Point Road NE;
- q. Tienda Mexicana "La Guanajuato", 3915 Center Point Road NE; and
- r. Shawn Ryan Irish Pub, 715 2<sup>nd</sup> Avenue SE (Permanent Outdoor Service Area).

Motion assessing a \$1,500 civil penalty against Murphy USA #6524, 3030 Edgewood Road SW, for second violation of State Code regarding the sale of cigarettes to minors.

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

0976-10-09, approving bills

0977-10-09, approving payroll.

0978-10-09, approving the special event application for the Czech Fest in Czech Village on October 24, 2009.

0979-10-09, appointing Bill Kooistra (effective through June 30, 2010) to the Hotel and Motel Tax Review Committee.

0980-10-09, appointing Gretchen Aschoff to represent Golf (effective through June 30, 2012), Timothy Crile to represent Recreation (effective through June 30, 2011), Ronald Gonder – at large (effective through June 30, 2010), Barbara Hannon to represent Aquatics (effective through June 30, 2011), Ann Harris to represent Ushers Ferry (effective through June 30, 2011), Timothy Polk – at large (effective through June 30, 2012), Erin Seely – at large (effective through June 30, 2010), Jackie Thompson-Oster to represent Parks (effective through June 30, 2012) and Jim Voss – at large (effective through June 30, 2010) to the Parks & Recreation Commission.

0981-10-09, appointing Ruth Hart (effective through June 30, 2010) to the Voluntary Property Acquisition Advisory Committee.

0982-10-09, appointing Al Pierson to represent north (effective through June 30, 2010), Jen Neumann to represent central (effective through June 30, 2011) and Scott Jamieson to represent south (effective through June 30, 2012) to the Neighborhood Development Corporation of Cedar Rapids.

0983-10-09, appointing Matthew Wilding (effective through June 30, 2010) to the Library Board of Trustees.

0984-10-09, extending a vote of thanks to John Berge for serving as a member of the Voluntary Property Acquisition Advisory Committee.

0985-10-09, extending a vote of thanks to Sarah Hinzman for serving as a member of the Hotel and Motel Tax Review Committee.

0986-10-09, extending a vote of thanks to Dale Brodt, Linda Lynch, Gary Siguenza, Betty Stewart and Darrel Wridler for serving as members of the Ushers Ferry Commission.

0987-10-09, extending a vote of thanks to Gary Anhalt, Chuck Blades and Mary Lee Malmberg for serving as members of the Recreation Commission.

0988-10-09, intent to assess for Solid Waste & Recycling clean up costs at 1 property.

0989-10-09, levy assessment for Solid Waste & Recycling clean up costs at 4 properties.

0990-10-09, intent to assess for Utilities Department delinquent municipal utility bills at 23 properties.

0991-10-09, levy assessments for Utilities Department delinquent municipal utility bills at 7 properties.

0992-10-09, levy assessments for Utilities Department delinquent municipal utility bills at 8 properties.

0993-10-09, awarding and approving contract in the amount of \$244,700, bond and insurance of Unzeitig Construction Company for the Tait Cummins restroom project (Engineer's estimated cost is \$215,000).

0994-10-09, authorizing execution of Change Order No. 1 in the amount of \$235,819.37 with Spiniello Companies for the 2008 Main Interceptor Rehabilitation-CRWPCF to Manhole 10 project (total contract price with this amendment is \$9,194,559.37).

0995-10-09, authorizing execution of Amendment No. 3 with HDR Engineering Inc. for the Energy Management Plan in the amount of \$34,077 (total contract price with this amendment is \$1,019,005).

0996-10-09, authorizing execution of a Purchase Agreement in the amount of \$6,090 and accepting an Easement for Sanitary Sewer and a Temporary Grading Easement for Construction from Cedar Rapids Community School District from land at 300 13<sup>th</sup> Street NW in connection with the B & C Avenues NW from 5<sup>th</sup> Street to 13 Street, 13<sup>th</sup> Street from C Avenue to E Avenue and E Avenue from 13<sup>th</sup> Street to west of 15<sup>th</sup> Street – Sanitary Sewer and Water Main Replacement project.

0997-10-09, authorizing execution of a Purchase Agreement in the amount of \$35,040 and accepting two Easements for Sanitary Sewer and a Temporary Grading Easement for Construction from PMX Industries, Inc., from vacant property located in the northeast corner of 60<sup>th</sup> Avenue SW and 26<sup>th</sup> Street SW in connection with the Willow Creek Drive SW to South of 60<sup>th</sup> Avenue SW and West of 26<sup>th</sup> Street SW Sanitary Sewer Extension project.

0998-10-09, authorizing execution of Change Order No. 5 in the amount of \$32,208 with Horsfield Construction, Inc. for the 33<sup>rd</sup> Avenue SW from West of 18<sup>th</sup> Street to West of 10<sup>th</sup> Street project (total contract price with this amendment is \$1,900,510.67).

0999-10-09, authorizing execution of Change Order No. 4 in the amount of \$15,279.48 with Metro Pavers, Inc. for the Edgewood Road SW from South of CRANDIC Railroad to 37<sup>th</sup> Avenue SW Intersection (total contract price with this amendment is \$5,973,780.39).

1000-10-09, authorizing execution of a 28E Agreement in the estimated amount of \$1,100,000 with Johnson County for joint project funding in connection with the 6<sup>th</sup> Street SW from 120<sup>th</sup> Street to Linn County Line Reconstruction project.

1001-10-09, renewing the Letter of Agreement with Mailing Services, Inc. for FY10 utility mailing services for the Utilities Department (Water Division) for an estimated amount of \$165,000.

1002-10-09, authorizing execution of Change Order No. 1 in the amount of \$81,984.32 with Gerard Electric, Inc. for the 2009 Cedar Rapids Water Division Access Control and Video Surveillance project (total contract price with this amendment is \$993,966.32).

1003-10-09, renewing the agreement with ImOn Communications, LLC for leasing of a fiber stitch for data connectivity in the amount of \$185,040.

1004-10-09, authorizing Fleet Services purchase of one Rotobek Grapple Truck for debris removal from Elliott Equipment for the total amount of \$163,600.

1005-10-09, authorizing Fleet Services purchase of one John Deere 710J Wheel Loader Back Hoe for digging of sewer mains and services from Martin Equipment for the total amount of \$133,000. (flood)

1006-10-09, authorizing Public Works Department purchase of rock salt from North American Salt Company through the Iowa Department of Transportation's (IDOT's) salt supplier agreement in an amount not to exceed \$638,304 for a maximum purchase of 9,600 tons of rock salt for winter snow and ice control.

1007-10-09, approving the Final Plat of Prairie Ridge Business Park Fifth Addition located on the west side of 12<sup>th</sup> Street SW opposite 26<sup>th</sup> Avenue SW.

1008-10-09, approving the Final Plat of Airy First Addition located on both sides of C Avenue Extension, north of East Knoll Drive.

1009-10-09, accepting an Easement for Drainage from Steve W. Waln and Teresa L. Waln from land at 2515 1<sup>st</sup> Avenue SW in connection with the 2515 and 2601 1<sup>st</sup> Avenue West Storm Sewer Repair project.

1010-10-09, establishing right-of-way on City-owned property at 442 50<sup>th</sup> Avenue Court SW (a.k.a. Fire Station #2) and a portion of City-owned vacant parcel to the north of and adjacent to 442 50<sup>th</sup> Avenue Court in connection with the 6<sup>th</sup> Street SW Corridor Improvements from Waconia Avenue to Prairie Creek project.

1011-10-09, granting permission for a proposed retaining wall to encroach onto portions of the existing and proposed storm sewer and sanitary sewer easements at 3025 Williams Boulevard SW as requested by Thirty One Wilson, LLC.

1012-10-09, granting permission for a proposed foot bridge to encroach onto portions of the existing 20-foot drainage easement at 2711 Handley Court SW as requested by Kathie Eck.

1013-10-09, establishing a 10-minute loading zone on the east side of 2<sup>nd</sup> Street SE, 600 block, beginning 50 feet north of 7<sup>th</sup> Avenue SE and extending northerly for approximately 80 feet.

1014-10-09, granting a waiver from Chapter 31 of the Municipal Code, Subdivision, to waive the City's right to review the proposed Subdivision Otis Road TBS Addition located in Linn County north of Otis Road and west of 44<sup>th</sup> Street as requested by MidAmerican Energy Company.

1015-10-09, authorizing correction to the legal description for property at 912 10<sup>th</sup> Avenue SE that was previously conveyed to Land Logs, & Timber LLC for construction of a new single-family home within the Oak Hill Neighborhood Revitalization (HAND) area. (flood)

1016-10-09, fixing value of lots and adopting preliminary plat and schedule, estimate of cost and proposed preliminary plans and specifications for the construction of the Northland Avenue NE Reconstruction from North of Collins Road to the City Limit project.

1017-10-09, fixing value of lots and adopting preliminary plat and schedule, estimate of cost and proposed preliminary plans and specifications for the construction of the Erskine Elementary School Neighborhood Sidewalk Improvements project.

1018-10-09, adopting amended Procedural Rules of Council Meetings and adopting the 2010 Council meeting schedule.

Discussion: (Vern Zakostelecky)

1019-10-09, approving the Major Preliminary Plat of Emerald Isle Addition at 3837 1<sup>st</sup> Avenue SE as requested by Moondance, LLC.

Discussion: (Vern Zakostelecky)

1020-10-09, approving the Minor Preliminary Plat of Cedar Rapids RX First Addition at 3419 and 3505 16<sup>th</sup> Avenue SW as requested by R. W. Rinderknecht Company and Equity Ventures, A Minnesota General Partnership.

Discussion: (Jennifer Pratt)

1021-10-09, authorizing use of up to \$3 million Local Option Sales Tax (LOST) revenues to fund eligible rehabilitation proposals for the repair of structurally sound houses that demonstrate

financial and market feasibility and result in a significant improvement to flood-impacted neighborhoods. (flood)

Discussion: (Greg Eyerly)

1022-10-09, authorizing reallocation of Community Disaster Grant funds from Business and Job Growth Gaps to Business Recovery Management and Business Support IT Infrastructure.

**Council member Fagan moved to remove the following resolution from the table; seconded by Council member Podzimek. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke, Mayor Halloran and Council member Vernon. Motion carried. Discussion was held.**

1023-10-09, authorizing execution of a contract with Gatso USA, Inc. regarding the automated traffic enforcement systems.

Discussion: (Mike Dufoe)

1024-10-09, adopting a Sidewalk Installation Policy dated October 2009 for new development and re-development sites within Cedar Rapids.

Presentation of the 2009 Citizen Survey results. (Sandi Fowler)

An Ordinance was adopted with all Council members voting “Aye” unless noted:

Ordinance No. 040-09, being an Ordinance amending Ordinance 025-09 by repealing Section 1 and adopting a new Section 1 regarding the addition of the Sports Tourism Director from the Cedar Rapids Area Convention and Visitors Bureau as a non-voting ex-officio member of the Parks & Recreation Commission, was presented and read the first time.

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

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

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, Wieneke, Mayor Halloran and Council member Vernon.

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 9:35 PM to meet Wednesday, October 21, 2009 at 5:30 PM.

Ann Ollinger, City Clerk