

MINUTES OF THE CITY COUNCIL  
CITY OF CEDAR RAPIDS, IOWA

October 28, 2009; 5:30 PM

City Council met in Regular Session in the AEGON USA Auditorium, 4333 Edgewood Road NE. Present, Mayor Halloran, Council members Fagan, Gulick, McGrane, Shey, Shields, Vernon and McGrane. Also present were City Manager Prosser and City Attorney Flitz. Council member Podzimek arrived at the meeting at 7:15 PM.

The invocation was given by Police Chaplain Rick Gail, First Assembly of God.

Public comments were heard.

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

A public hearing was held 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 5<sup>th</sup> Street SE to 6<sup>th</sup> 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. No comments or objections were heard or filed.

Ordinance No. \_\_\_\_\_, being an Ordinance vacating the alley between 9<sup>th</sup> Avenue SE and 10<sup>th</sup> Avenue SE from 120 feet northeasterly of 5<sup>th</sup> Street SE to 6<sup>th</sup> Street SE except the 10' alley right-of-way adjoining the property at 516 10<sup>th</sup> Avenue SE as requested by Hatch Development Group was presented and read the first time.

Council member Gulick 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 Gulick, McGrane, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Abstain, Council member Fagan.

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

Ordinance No. \_\_\_\_\_, being an Ordinance vacating 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, was presented and read the first time.

Council member Vernon 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 Gulick, McGrane, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Abstain, Council member Fagan.

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

Ordinance No. \_\_\_\_\_, being an Ordinance vacating an 889 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., was presented and read the first time.

Council member McGrane 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 Gulick. Approved, Ayes, Council members Fagan, Gulick, McGrane, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

A public hearing was held to consider the vacation of a sanitary sewer and utility easement located 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. No comments or objections were heard or filed.

1027-10-09, authorizing the vacation of a sanitary sewer and utility easement located 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.

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

Ordinance No. \_\_\_\_\_, being 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, was presented and read the first time..

Council member Gulick 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 members Fagan, Gulick, McGrane, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

A public hearing notice was published 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. This public hearing was cancelled and will be rescheduled at a later date once ordinance revisions are complete.

Council member McGrane moved to adopt the consent agenda; seconded by Council member Gulick. Manager Prosser announced that the estimated cost for Item #10, should read \$76,000; Council member Shields requested that Item #15b. (Travelers Indemnity Company's bid submitted by TrueNorth for property insurance coverage) be removed from the Consent Agenda and moved to the Regular Agenda for discussion. Ayes, Council members Fagan, Gulick, McGrane, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Motion carried as amended. All motions were adopted with all Council members and Mayor Halloran voting "Aye" unless noted:

Motion to approve minutes.

Motions setting public hearing/hearing dates for:

- a. November 10, 2009 – to consider a change of zone for property north of Walford Road between I-380 and 6<sup>th</sup> Street SW from A Agriculture Zone District to I-1 Light Industrial Zone District as requested by Dwight Hughes, LLC, Debra Hughes, LLC, Tom Hughes, LLC, John Hughes, LLC, and Judy Hughes, LLC; (flood)
- b. November 10, 2009 – to consider a change of zone for property easterly of 3<sup>rd</sup> Street SE and northerly of 8<sup>th</sup> Avenue SE from C-3 Regional Commercial Zone District to C-4 Central Business Zone District as requested by Human Services Campus of East Central Iowa and Elm Real Estate, L.C. and D & S Building Co., Inc.;
- c. November 10, 2009 – to consider a change of zone for property at 1100 O Avenue NW from R-2 Single Family Residence Zone District to RMF-1 Multiple Family Residence Zone District as requested by Daniel A. and Rosemary Hoeger and Metro Plains. (flood)
- d. November 10, 2009 – to consider an amendment to the Future Land Use Map in the City's Comprehensive Plan for property at 519, 523 and 525 9<sup>th</sup> Avenue SE and 901, 911 and 927 6<sup>th</sup> Street SE from Low Density Residential to High Density Residential as requested by Hatch Development Group, the City of Cedar Rapids and Duncan Bruce Suthers; (flood)
- e. November 10, 2009 – to consider a change of zone for property at 519, 523 and 525 9<sup>th</sup> Avenue SE and 901, 911 and 927 6<sup>th</sup> Street SE from R-TN Traditional Neighborhood Residence Zone District to RMF-2 Multiple Family Residence Zone District as requested by Hatch Development Group, the City of Cedar Rapids and Duncan Bruce Suthers; (flood)
- f. November 10, 2009 – to consider an amendment to the Future Land Use Map in the City's Comprehensive Plan for property at 614 12<sup>th</sup> Avenue SE, 1123 7<sup>th</sup> Street SE, vacant land at the northeast corner of 6<sup>th</sup> Street SE and 12<sup>th</sup> Avenue SE and vacant land south of 11<sup>th</sup> Avenue SE from Low Density Residential to High Density Residential as requested by Hatch Development Group, the City of Cedar Rapids and Linn County; (flood)
- g. November 10, 2009 – to consider a change of zone for property at 614 12<sup>th</sup> Avenue SE, 1123 7<sup>th</sup> Street SE, vacant land at the northeast corner of 6<sup>th</sup> Street SE and 12<sup>th</sup> Avenue SE

and vacant land south of 11<sup>th</sup> Avenue SE from C-2 Community Commercial Zone District, PUB Public Zone District and R-TN Traditional Neighborhood Residence Zone District to RMF-2 Multiple Family Residence Zone District as requested by Hatch Development Group, the City of Cedar Rapids and Linn County; (flood)

- h. November 10, 2009—to consider release of previous zoning Ordinance and Resolution conditions for property located at 3025 Williams Boulevard SW; (flood)
- i. November 10, 2009 – to consider vacating a 10-foot utility easement at Lot 1 Williams Plaza Second Addition (3031 Williams Parkway SW) as requested by Williams Boulevard Development Group, LC.;
- j. November 10, 2009 – to consider the vacation and disposition of a 2,805 square foot right-of-way parcel located north of and adjacent to the parking lot at 151 Collins Road NE as requested by North Liberty II L.L.C.;
- k. November 10, 2009 – to consider the vacation and disposition of a 10,524 square foot right-of-way parcel located north of Collins Road NE, south of Twixt Town Road NE and adjacent to the west property line at 120 Collins Road NE as requested by TPC Investments, LLC.;
- l. November 10, 2009 – to consider the vacation of a 20-foot wide utility easement and a drainage and storm water detention easement at Lot 1, Airport Park Third Addition (east of 6<sup>th</sup> Street SW, west of Interstate 380 and north of America Drive SW) to the City of Cedar Rapids as requested by St. Martin Airport Plaza, LLC.; and
- m. November 24, 2009 – to consider the disposition of property within the Oak Hill Neighborhood and publishing an invitation for competitive proposals in regard to property located on the north side of 12<sup>th</sup> Avenue between 6<sup>th</sup> Street and 7<sup>th</sup> Street SE and the westerly side of 6<sup>th</sup> Street SE between 9<sup>th</sup> and 10<sup>th</sup> Avenues SE to Oak Hill Jackson Brickstones, LP in consideration of construction of two new 48-unit apartment buildings.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for November 10, 2009 and advertising for bids by publishing notice to bidders for the Center Point Road NE from 32<sup>nd</sup> Street to J Avenue Water Main, Storm Sewer and Asphalt Resurfacing project and authorizing the Public Works Director/City Engineer, or designee, to receive and open the bids and publicly announce the results on November 19, 2009 (Engineer's estimate of cost is \$1,020,000).

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for November 10, 2009 and advertising for bids by publishing notice to bidders for the 3<sup>rd</sup> Avenue and 14<sup>th</sup> Street SE Storm Sewer Connection project and authorizing the Public Works Director/City Engineer, or designee, to receive and open the bids and publicly announce the results on November 12, 2009 (Engineer's estimate of cost is 76,000).

Motion approving the beer/liquor/wine applications of:

- a. Beaver Creek Saloon, 1010 2<sup>nd</sup> Avenue SW (Outdoor service for an event on November 7, 2009);

- b. Cadets of St. George Branch #45, 510 16<sup>th</sup> Avenue SE (5-day beer permit for an event on November 6, 2009);
- c. Chili's Southwest Grill, 1250 Collins Road NE;
- d. Chuck E Cheese, 170 Collins Road NE;
- e. Cedar Rapids Galaxy 16 Ciné, 5340 Council Street NE;
- f. Daniel Arthur's, 821 3<sup>rd</sup> Avenue SE;
- g. Dostal Catering Service, 1211 Wiley Blvd SW (Transfer for an event on November 6, 2009 at 5000 J Street SW);
- h. Granite City Food & Brewery, 4755 1<sup>st</sup> Avenue SE;
- i. Hy-Vee Drug Store #4, 4825 Johnson Avenue NW;
- j. Metro Buffet, 448 33<sup>rd</sup> Avenue SW;
- k. Primetime Sports Bar, 4001 Center Point Road NE; and
- l. Thai Moon, 4362 16<sup>th</sup> Avenue SW.

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

1028-10-09, approving bills

1029-10-09, approving payroll.

1030-10-09, thanking Gregory A. Reed for serving as a member of the Civil Service Commission.

1031-10-09, intent to assess for Solid Waste & Recycling clean up costs for 4 properties.

1032-10-09, levy assessments for Solid Waste & Recycling clean up costs for 4 properties.

1033-10-09, levy assessments for Public Works weed and mowing at 102 properties.

1034-10-09, intent to assess for Utilities Department delinquent municipal utility bills for 25 properties.

1035-10-09, levy assessments for Utilities Department delinquent municipal utility bills at 7 properties.

1036-10-09, authorizing Fleet Services purchase of one used John Deere Model 624J wheeled end loader from Martin Equipment of IA-IL., Inc. for the total amount of \$128,700.

1037-10-09, authorizing execution of Amendment No. 3 to the Professional Services Agreement with Stanley Consultants in an amount not to exceed \$120,200 for right-of-way acquisition support services in connection with miscellaneous projects (total contract price with this amendment is \$290,620).

1038-10-09, authorizing execution of Change Order No. 3 in the amount of \$134,250.56 with Minger Construction, Inc. for the B & C Avenues NW from 5<sup>th</sup> Street to 13<sup>th</sup> 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 (total contract price with this amendment is \$3,372,215.70).

1039-10-09, accepting the Water Pollution Control Facilities Emergency Flood Related Repairs Sludge Processing System Incinerator Electrical and Mechanical Repairs project, approving Performance Bond in the amount of \$668,340 and authorizing a final payment of retainage the amount of \$14,166.15 to WRH, Inc (total cost of this project is \$591,526.16). (flood)

1040-10-09, approving transfer of ownership of a 19-year old fire pumper vehicle which has little or no resale value to Kirkwood Community College for their fire science training program.

1041-10-09, authorizing Annual Economic Development Grant payment to Nordstrom.com in the amount of \$254,168.

1042-10-09, authorizing Annual Economic Development Grant payment to Yellow Book in the amount of \$419,793.

1043-10-09, authorizing Annual Economic Development Grant payment to Life Investors in the amount of \$900,000.

1044-10-09, authorizing Annual Economic Development Grant payment to GE Capital in the amount of \$273,085.

1045-10-09, authorizing Annual Economic Development Grant payment to 500First in the amount of \$131,404.

1046-10-09, authorizing release of the remainder of a Performance Surety deposit in the amount of \$3,500 to RB Development, Inc. for completion of seeding and establishing acceptable ground cover in the private storm water detention facility servicing Handley's Third Addition located on Handley Drive SW, south of C Street SW.

1047-10-09, establishing right-of-way and easement for utilities on City-owned property located at 305 East Post Road SE in connection with the East Post Road Bridge Over Indian Creek project.

1048-10-09, authorizing publication of a notice of public hearing to be held November 24, 2009 to consider the Resolution of Necessity (Proposed) for construction of the Northland Avenue NE Reconstruction from North of Collins Road to the City Limit project.

1049-10-09, authorizing publication of a notice of public hearing to be held November 24, 2009 to consider the Resolution of Necessity (Proposed) for construction of the Erskine Elementary School Neighborhood Sidewalk Improvements project.

1050-10-09. preliminary Resolution for construction of pavement and sidewalk improvements for the Locust Road SW from 60<sup>th</sup> Avenue to 66<sup>th</sup> Avenue SW Reconstruction project.

Discussion: (Mike Shoger)

1051-10-09, accepting Travelers Indemnity Company's bid submitted by TrueNorth in the amount of \$469,447 for property insurance coverage for a one year period beginning November 1, 2009.

Abstain, Council member Fagan

Discussion: (Vern Zakostelecky)

1052-10-09, approving the Major Preliminary Plat of Edgewood Station Addition at 2300, 2310, 2320 and 2340 Edgewood Road SW as requested by Edgewood Market, LLC.

Discussion: (Vern Zakostelecky)

1053-10-09, approving the Major Preliminary Plat of Knollwood Park Addition located east of Council Street NE between 74<sup>th</sup> Street NE and East Main Street as requested by Elmwood Park, LLC.

Discussion: (Vern Zakostelecky)

1054-10-09, approving the Minor Preliminary Plat of Coleman Addition located in the County at 10400 Feather Ridge Road, generally north of Tower Terrace Road and east of Feather Ridge Road, as requested by Stanley and Deborah Coleman.

Discussion: (Christine Butterfield, Jason Hellendrung)

1055-10-09, authorizing execution of a Memorandum of Understanding between Mercy Medical Center, St. Luke's Hospital, Physicians Clinic of Iowa, P.C. and the City of Cedar Rapids for the creation of the Cedar Rapids Medical District.

Discussion: (Scot Siebert)

1056-10-09, authorizing submittal of an application for \$136,000 to renew Administrative Fee funding for the (2) Housing Choice Voucher Family Self-Sufficiency Program Coordinator salaries/benefits.

Discussion: (Jennifer Pratt)

1057-10-09, authorizing use of up to \$1,250,000 Local Option Sales Tax (LOST) revenues to fund the proposed Rehabilitation Reimbursement Program that addresses privately financed rehabilitation costs in excess of the Jumpstart Housing Rehabilitation Program. (flood)

Discussion: (Rita Rasmussen)

1058-10-09, accepting Amendment No. 2 to the Administrative Plan which sets forth the policy and procedure for voluntary property acquisitions in the Greenway Area. (flood)

Discussion: (Casey Drew)

1059-10-09, awarding Cedar Rapids City Market Inc. \$30,000 from fiscal year 2011 Hotel-Motel allocation.

An Ordinance was adopted with all Council members and Mayor Halloran voting “Aye”:

Ordinance No. 041-09, 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 second time. (flood)

Council member Gulick 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 Gulick 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.

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 7:40 PM to meet Wednesday, November 4, 2009 at 5:30 PM.

Ann Ollinger, City Clerk