

MINUTES OF THE CITY COUNCIL
CITY OF CEDAR RAPIDS, IOWA

March 11, 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 Council member Gulick.

Public comments were heard.

Council member McGrane moved to approve the agenda; seconded by Council member Fagan. City Manager Prosser noted that #38 should be divided into two Ordinances amending Chapter 32 and amending Chapter 65. Council member Shields requested that #10 (motion setting a public hearing for March 25 to consider a change of zone for 3031 Williams Parkway SW, #16(i) (resolution accepting Agreement with Spin Ventures, Inc for report development using Crystal Reports for Customer Care and Billing software) and #17(b) (resolution regarding the CR Library Heat Pump Replacement project and issuing final payment) be removed from the consent agenda and moved to the regular agenda for discussion. 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 Resolution of Necessity (Proposed) for the construction of the 1st Avenue and Collins Road NE and 40th Street NE Improvements project. Objections and comments were heard. Seven letters and a petition with 38 signatures objecting to the assessment were received.

0187-03-09, adopt, as amended, the Resolution of Necessity (Proposed) for the construction of the 1st Avenue and Collins Road NE and 40th Street NE Improvements project.

(3) public hearings were held to consider the vacation and disposition of a part of M Avenue NW, west of Koulsi Boulevard NW and to consider the vacation of a 25-foot access easement and two 10-foot utility easements as requested by Steenhoek/Kaiser, L.L.C. No comments or objections were heard. A letter was received. requesting to expedite the Final Plat with the Ordinance.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the B & C Avenues NW from 5th Street to 13th Street, 13th Street from C Avenue to E Avenue, and E Avenue from 13th Street to west of 15th Street – Sanitary Sewer and Water Main

Replacement project (Engineer's estimated cost is \$4,200,000). No comments or objections were heard or filed.

0188-03-09, adopting plans and specifications, form of contract and estimated cost for the B & C Avenues NW from 5th Street to 13th Street, 13th Street from C Avenue to E Avenue, and E Avenue from 13th Street to west of 15th Street – Sanitary Sewer and Water Main Replacement project.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost the FY 2009 Sidewalk Repair Program – Contract No. 2 (Engineer's estimated cost is \$106,000). No comments or objections were heard or filed.

0189-03-09, adopting plans and specifications, form of contract and estimated cost for the FY 2009 Sidewalk Repair Program – Contract No. 2.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the Cleveland Elementary Sidewalks project for bid opening to be held at the Iowa Department of Transportation on March 17, 2009 (Engineer's estimate of cost is \$106,000). No comments or objections were heard. One letter of objection was filed.

0190-03-09, adopting plans and specifications, form of contract and estimated cost for the Cleveland Elementary Sidewalks project.

A hearing was held to consider a \$500.00 civil penalty for violation of State Code regarding the sale of alcohol to minors against Homeport, 624 Center Point Road NE. No one from the establishment was present at the meeting.

Council member Vernon moved to adopt the following motions; seconded by Council member Fagan. All motions were adopted with all Council members and Mayor Halloran voting "Aye" unless noted:

Motion to approve minutes.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for March 25, 2009 and advertising for bids by publishing notice to bidders for the Cedar Rapids WPCF Indian Creek Lift Station Corrosion Repairs project and authorizing the Utilities Director, or designee, to receive and open the bids and publicly announce the results on April 9, 2009 (Engineer's estimate of cost is \$342,000).

Motion approving the beer/liquor/wine applications of:

- a. Beef O'Brady's Family Sports Pub, 5240 Edgewood Road NE;
- b. Chrome Horse Slop House & Saloon, 1202 3rd Street SE;
- c. Cedar Rapids Ball Club, 950 Rockford Road SW;

- d. Crowne Plaza Five Seasons Hotel, 350 1st Avenue NE (new management);
- e. Guppy's on the Go, 3325 Johnson Avenue SW;
- f. Homeport, 624 Center Point Road NE;
- g. Kirkwood Softball Complex, 8701 Welty Lane SW; (6 month)
- h. Meadowridge Golf Driving Range, 6677 16th Avenue SW; (8 month)
- i. Metro Buffet II, 2745 Blairs Ferry Road NE;
- j. Mulligan's Pub, 1060 Old Marion Road NE Suite A;
- k. Parlor City Pub & Eatery, 1125 3rd Street SE (new –formerly Speed Print);
- l. Playtime Tap, 933 14th Avenue SW;
- m. Starlite Room, 3300 1st Avenue NE; and
- n. Tilted Kilt Pub & Eatery, 1140 Blairs Ferry Road NE (outdoor service for an event on March 17, 2009).

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

0191-03-09, approving bills.

0192-03-09, approving payroll.

0193-03-09, granting 12 ambulance vehicle licenses to Area Ambulance Service at 1030 Mt. Vernon Road SE

0194-03-009, granting 7 ambulance vehicle licenses to Southeast Iowa Ambulance Service, Inc. at 1124 1st Street NW, Suite B.

0195-03-09, levy assessment for Solid Waste & Recycling clean up costs at 3 properties;

0196-03-009, intent to assess for Utilities Department delinquent municipal utility bills at 18 properties.

0197-03-08. levy assessments for Utilities Department delinquent municipal utility bills at 119 properties.

0198-03-09. levy assessments for Utilities Department delinquent municipal utility bills at 6 properties.

0199-03-09, authorizing execution of Amendment No. 1 to the Professional Services Agreement with Brown and Caldwell specifying an increase in the amount of \$65,000.00 for additional engineering services for Flood Related Emergency Repairs to the Incinerator and Associated Solids Handling Facilities at the Water Pollution Control Facility (Total contract price with this amendment is \$361,400.00). (flood)

0200-03-09, approving a Professional Services Agreement with Brown and Caldwell for an amount not to exceed \$2,076,000.00 for engineering services for Flood Related Emergency Engineering Services for Permanent Repairs for the WPCF Incinerator. (flood)

0201-03-09, approving a Professional Services Agreement with HDR Engineering for an amount not to exceed \$102,000.00 for engineering services for the J Avenue CO2 System Improvements.

0202-03-09, amending Resolution No. 0673-08-08 to extend the contract for environmental services with Family Environmental Compliances Services, Inc. for an increased amount not to exceed \$350,000.00. (flood)

0203-03-09, approving a letter of Agreement with Pepsi Americas for the Parks, Recreation and Golf Departments for an estimated annual amount of \$70,000.00.

0204-03-09, approving a Contract with Prime Mechanical, Inc. to perform Liquid Handling Services for the Water Pollution Control Facility for an estimated annual expenditure of \$140,000.00.

0205-03-09, approving an Agreement with Huffman Construction Inc. for continued removal and disposal of flood related debris for the Solid Waste and Recycling Division for an estimated amount between \$105,000.00 and \$320,000.00. (flood)

0206-03-09, approving an Agreement with NewCom Technologies, Inc. for the Fiber Optics Joint Communications Network in an amount not to exceed \$585,921.60.

0207-03-09, accepting a Sanitary Sewer Petition and Assessment Agreement, Concrete Pavement Petition and Assessment Agreement, Traffic Signal Petition and Assessment Agreement, Agreement for Interim Sewage Disposal, and an Agreement for Private Storm Water Detention submitted by BWC, LC for property located in the southwest quadrant of the intersection of 60th Avenue SW and 26th Street SW.

0208-03-08, authorizing execution of Amendment No. 2 to the Professional Services Agreement with Snyder & Associates, Inc. specifying an increased amount not to exceed \$62,285.00 for additional design services in connection with the C Avenue NE from Revere Court/Huntington Ridge Road to Sheffield Drive Improvements project (Total contract price with this amendment is \$125,212.00)

0209-03-09, authorizing execution of Amendment No. 4 to the Professional Services Agreement with Howard R. Green Company specifying an increased amount not to exceed \$159,500.00 for building assessments and scope re-alignments with FEMA in connection with the Professional Services for Reconstruction Estimating project for flood damaged buildings (Total contract price with this amendment is \$734,500.00). (flood)

0210-03-09, authorizing execution of Amendment No. 4 to the Professional Services Agreement with Camp Dresser McKee Inc. (CDM) specifying an increased amount not to exceed \$323,318.00 for detailed cost estimating in connection with the Professional Services for Reconstruction Estimating project for flood damaged buildings (Total contract price with this amendment is \$2,261,755.00); (flood)

0211-03-09, accepting a Professional Services Agreement with Novak Design Group, PLC in an amount not to exceed \$264,000.00 for design and construction administration services in connection with the Cedar Rapids Police Facility Flood Recovery project.(flood)

0212-03-09. accepting three Warranty Deeds and an Easement for Utilities, all in consideration of \$1.00 each and other valuable consideration, for property located at the northwest quadrant of the intersection of Center Point Road NE and 29th Street NE, submitted by Interstate Power and Light Company.

0213-03-09, accepting the Public Works Roof, Level 13 replacement project, commencing the two year correction period of the Performance Bond and authorize final payment in the amount of \$1,000.00 to Cedar Services Company (Final contract amount is \$139,409.00).

0214-03-09, accepting the Cedar River Trail – Segment G from Ely Road SW to 76th Avenue SW, HMA Trail Extension project, commencing the two year correction period of the Performance Bond and authorize final payment in the amount of \$9,007.61 to Peterson Contractors, Inc. (Final contract amount is \$300,253.69).

0215-03-09, authorizing reimbursement of \$27,726.37 to Sevig Construction Co. for upsizing 12” and 16” water mains in Hoover Trail Second Addition.

0216-03-09, authorizing John Randall, Utility Safety Manager, to attend Process Hazard Analysis for Team Leaders in Houston, Texas for an estimated amount of \$4,404.50.

0217-03-09, authorizing execution of Amendment #2 to the Administrative Services Agreement with the Affordable Housing Network, Inc. and Wisconsin Partnership for Housing Development, Inc. to reflect changes necessary to utilize the second allocation of State funds for the Jumpstart Housing Assistance Program. (flood)

0218-03-09, authorizing execution of a Memorandum of Understanding (MOU) for the Lead Hazard Control Grant Program to partner with various local hotels to provide rooms for purposes of relocating households receiving assistance through the 2008 Lead Hazard Control Grant (LHCG) program.

0219-03-09, releasing the subdivision bond for sidewalks for Timberline 7th Addition as requested by Donald Primus for Primahne & Associates.

0220-03-09, granting permission for a proposed retaining wall to encroach onto portions of the proposed 10-foot public utility easement and also granting permission for the existing monitoring wells to encroach within the proposed 10-foot public utility easement and the 70-foot future City right-of-way for the adjoining properties located at 324 Edgewood Road NW and 3400 Johnson Avenue NW as requested by Edgewood-Johnson CR, LLC c/o Midwest Property Group.

0221-03-09, accepting the C Street SW from Kirkwood Parkway to Bethpage Drive SW Sidewalk Extension project and fixing amount to be assessed.

0222-03-09, accepting the Williams Boulevard SW (Hwy 151) at Dean Road Pavement Widening project and fixing amount to be assessed.

0223-03-09, fixing value of lots and adopting preliminary plat and schedule, estimate of cost and proposed preliminary plans and specifications for the construction of the 6th Street SW from Waconia Avenue to North of Prairie Creek Bridge Improvements project.

0224-03-09, directing preparation of detailed plans and specifications for the 16th Avenue SW PCC Widening from Stoney Point Rd to West Post Rd project.

Council member Gulick moved to set a public hearing date for March 25, 2009 to consider a change of zone for property at 3031 Williams Parkway SW from C-3 Regional Commercial Zone District to RMF-1 Multiple Family Residence Zone District as requested by Cedar Pond Townhomes, L.P. and Williams Boulevard Development Group, L.C.; seconded by Council member McGrane. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran. Motion carried.

0225-03-09, authorizing execution of an Agreement with Spin Ventures, Inc. d/b/a Spindustry Staffing for report development using Crystal Reports for the Customer Care and Billing (CC&B) software solution system for an amount not to exceed \$108,100.00.

0226-03-09, accepting the Cedar Rapids Library Heat Pump Replacement project, commencing the two year correction period of the performance bond and authorizing final payment in the amount of \$30,403.83 to B.G. Brecke, Inc. (Final contract amount is \$608,076.62).

0227-03-09, directing staff to solicit candidates for flood CEO, who will be selected by the City Manager and City Council and report to the City Manager. Nays, Council members McGrane, Shields and Vernon (flood)

Discussion: (Pat Ball)

Electrical Franchise

Discussion: (Paula Hinzman Mitchell)

0228-03-09, supporting the Iowa Finance Authority (IFA) and the Iowa Department of Economic Development (IDED) and the Rebuild Iowa Office (RIO) reducing the term of the forgivable loan and the associated property lien for the Jumpstart Housing Assistance Program from ten years to five years. (flood)

Discussion: (Vern Zaklostelecky)

0229-03-09, approving the Major Revised Preliminary Plat of Airport Commerce Park Addition for property located north and south of Wright Brothers Boulevard SW and west of 6th Street SW as requested by Wright Brothers Boulevard, L.C. and Dwight and Debra Hughes.

Discussion: (Brad Larson)

0230-03-09, approving the Minor Preliminary Plat of Custom Hose First Addition for property at 805 66th Avenue SW as requested by Margret Drake.

Discussion: (Marty Hoeger)

0231-03-09, granting a request by Land, Logs & Timber for City participation of \$25,000.00 for development of a new single-family home at the corner of 9th Avenue and 9th Street SE. (flood)

Discussion: (Vern Zaklostelecky)

0232-03-09, approving the use of RVs, campers, travel trailers, etc. for temporary housing for flood victims working on their homes and out-of-town volunteers and contractors assisting in the rebuilding efforts for flood-damaged properties.

Discussion: (Captain O'Konek)

0233-03-09, authorizing the Police Department to obtain an RFP for automated traffic enforcement (ATE) systems that include red light intersection enforcement, mobile speed enforcement and fixed speed enforcement.

Report on bids for the Detention Basin Repair Program, Phase III project. (Dave Elgin)

Bids were received on March 5, 2009, 11:00 AM:

WC Excavating, LC	\$187,070.12
(including incentive clause)	\$ 3,000.00
Total	\$190,070.12
Peterson Contractors Inc.	\$199,967.60

Dolan Excavating LLC	\$203,558.25
Rathje Construction Co.	\$204,709.75
Eastern Iowa Excavating & Concrete LLC	\$213,618.50
Pirc-Tobin Construction, Inc.	\$218,218.21
Gee Grading & Excavating, Inc.	\$233,745.25
Connolly Construction, Inc.	\$236,912.50
Vieth Construction Corp.	\$240,357.50
Dave Schmitt Construction Co., Inc.	\$242,765.92
Borst Bros. Const. Inc.	\$257,623.50
Ricklef's Excavating, Ltd.	\$258,301.20
Gravel Grading & Excavating, LLC	\$266,688.75
Tschiggfrie Excavating Co.	\$295,116.95

were referred to Public Works Department and Hall and Hall Engineers, Inc.

0234-03-09, awarding and approving contract in the amount of \$187,070.12 plus incentive up to \$3,000.00, bond and insurance of BWC Excavating, LC for the Detention Basin Repair Program, Phase III project.

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

Ordinance No. 007-09, being an Ordinance amending Chapter 63 of the Municipal Code, Offenses against Public Safety, by repealing Section 63.10 and enacting new Sections 63.10A and Section 63.10B relating to firearms and fireworks and providing penalties for violations thereof, was presented and read the first time.

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

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

Council member Podzimek moved that the ruled requiring three readings on three different days be suspended and the Ordinance be adopted on its third and final reading; seconded by Council member Wieneke. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Vernon, Wieneke and Mayor Halloran. Nay, Council member Shields.

Ordinance No. 008-09, being an Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance, by deleting and enacting a new Subsection 32.04.020, Table 32.04-1: Permitted Uses, related to the RMH-O Residential Manufactured/Mobile Home Park Overlay District, was presented and read the second time.

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

Ordinance No. 009-09, being an Ordinance amending Chapter 65 of the Municipal Code, Manufactured/Mobile Home and Manufactured/Mobile Home Park Code, to make the manufactured home and mobile home definitions consistent with the definitions in Chapter 32, the Zoning Ordinance, was presented and read the second time.

Council member Podzimek 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 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.

Ordinance No. 010-09, being an Ordinance granting a change of zone for property at 13 Glenbrook Drive SE from O-S Office/Service Zone District to R-3 Single Family Residence Zone District as requested by Don and Dianne Utsinger, was presented and read the second time.

Council member Podzimek moved the approval of the Ordinance on its second reading; seconded by Council member Vernon. Approved, 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.

Ordinance No. _____, repealing Chapter 29 of the Municipal Code, Housing Code, and enacting and adopting in lieu thereof a new Housing Code (International Property Maintenance Code 2006 edition with proposed amendments), 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 Fagan. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Vernon, Wieneke and Mayor Halloran.

Council member Gulick requested that the City Manager direct staff to add the selection process for the Local Option Sales Tax Oversight Committee to next week's agenda for discussion.

Council member Fagan would like discussion with staff regarding contractor ability for temporary flood protection.

Council member Vernon suggested that a representative from the Greater Cedar Rapids Community Foundation give a report to the City Council regarding the money they received after the flood and how it was disbursed.

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 9:10 PM to meet Wednesday, March 18, 2009 at 5:30 PM

Ann Ollinger, City Clerk