

MINUTES OF THE CITY COUNCIL
CITY OF CEDAR RAPIDS, IOWA

September 9, 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 City Attorney Flitz. Absent, Council member Vernon.

The invocation was given by Mayor Kay Halloran.

Public comments were heard.

Council member Fagan moved to approve the agenda; seconded by Council member McGrane. City Manager Prosser announced that Item #14t.(Resolution approving a Contract with Gatso USA, Inc. regarding the automated traffic enforcement systems) be removed from this week's agenda. Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke and Mayor Halloran. Motion carried as amended.

A public hearing was held to consider an amendment to the Future Land Use Map in the City's Comprehensive Plan for property at 1100 O Avenue NW, between 11th Street and 13th Street NW and north of and adjacent to O Avenue NW, from low density residential to medium density residential as requested by Daniel A. and Rosemary Hoeger. Comments and objections were heard and filed.

0879-09-09, amending the Future Land Use Map in the City's Comprehensive Plan for property at 1100 O Avenue NW, between 11th Street and 13th Street NW and north of and adjacent to O Avenue NW, from low density residential to medium density residential as requested by Daniel A. and Rosemary Hoeger.

A public hearing was held to consider a change of zone for property east of and adjacent to Council Street NE between 74th Street NE and East Main Street from A Agriculture Zone District to R-3 Single Family Residence Zone District as requested by Knollwood Park, LLC and Elmwood Park, LLC. Comments and objections were heard and filed.

Ordinance No. _____, being an Ordinance granting a change of zone for property east of and adjacent to Council Street NE between 74th Street NE and East Main Street from A Agriculture Zone District to R-3 Single Family Residence Zone District as requested by Knollwood Park, LLC and Elmwood Park, LLC., was presented and read the first time.

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

A public hearing was held to consider amending Chapter 18 of the Municipal Code, Historic Preservation, to correct a clerical error which omitted an exemption provision from the “Demolition Review Process” for buildings considered an imminent threat to public health and safety or if the property owner can provide proof of an economic hardship, to clarify the definition of a “Historically Significant Building”, and to change the Demolition Review Process time limit from 60-business days to 60-days. No comments or objections were heard or filed.

Ordinance 032-09, being an Ordinance amending Chapter 18 of the City’s Municipal Code, Historic Preservation, to correct a clerical error which omitted an exemption provision from the “Demolition Review Process” for buildings considered an imminent threat to public health and safety or if the property owner can provide proof of an economic hardship, to clarify the definition of a “Historically Significant Building”, and to change the Demolition Review Process time limit from 60-business days to 60-days, presented and read the first time. (flood)

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

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

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 and Mayor Halloran. Nay, Council member Wieneke

A public hearing was held to consider the proposed plans, specifications, form of contract and

estimated cost for the Willowbend Road NE Storm Sewer Outlet Repair and Sanitary Sewer Improvements project (Engineer's estimated cost is \$90,000). No comments or objections were heard or filed.

0880-09-09, adopting plans, specifications, form of contract and estimated cost for the Willowbend Road NE Storm Sewer Outlet Repair and Sanitary Sewer Improvements project.

A public hearing was held to consider the proposed plans, specifications, form of contract and estimated cost for the East Post Road SE over Indian Creek Bridge Replacement project (Bid opening to be held at the Iowa Department of Transportation on September 15, 2009) (Engineer's estimated cost is \$3,010,000). No comments or objections were heard or filed.

0881-09-09, adopting plans, specifications, form of contract and estimated cost for the East Post Road SE over Indian Creek Bridge Replacement project.

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.

Motion filing plans, specifications, form of contract, estimated cost, setting a public hearing date for September 23, 2009 and advertising for bids by publishing notice to bidders for the Tait Cummins restroom project and authorizing the Parks & Recreation Department's Landscape Architect or designee, to receive and open the bids and publicly announce the results on September 24, 2009 (Engineer's estimate of cost is \$215,000).

Motion approving the beer/liquor/wine applications of:

- a. 2nd Avenue Corner Pocket, 301 2nd Avenue SW (new – formerly Lilly Printing);
- b. The Breakfast House, 820 6th Street SW (new);
- c. Casey's General Store #2767, 3434 1st Avenue NE;
- d. Casey's General Store #2768, 1201 1st Avenue SE;
- e. Casey's General Store #2772, 3349 Mt Vernon Road SE;
- f. Casey's General Store #2773, 3625 Edgewood Road SW;
- g. Casey's General Store #2776, 701 Ellis Blvd NW;
- h. Casey's General Store #2778, 201 8th Avenue SE;
- i. Casey's General Store #2780, 5555 Edgewood Road NE;
- j. Casey's General Store #2782, 1495 Blairs Ferry Road NE;
- k. Casey's General Store #2787, 1661 32nd Street NE;
- l. Casey's General Store #2790, 588 Boyson Road NE #110;
- m. Casey's General Store #2791, 9125 Atlantic Drive SW;
- n. Casey's General Store #2792, 9001 6th Street SW;

- o. Cedar Rapids Jaycees, 225 5th Avenue SW (transfer to Lot 44 for an event on September 12, 2009);
- p. Chrome Horse Slop House & Saloon, 1202 3rd Street SE (outdoor service for events on September 12, 26 and October 24, 2009);
- q. Homeport, 624 Center Point Road NE (outdoor service for an event on September 19, 2009);
- r. Ignition Petroleum, 5340 16th Avenue SW;
- s. Moose McDuffy's, 834 1st Avenue NE;
- t. Red Lion Lounge, 3970 Center Point Road NE (outdoor service for an event on September 19, 2009); and
- u. Zins, 227 2nd Avenue SE.

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

0882-09-09, approving bills.

0883-09-09, approving payroll.

0884-09-09, denying the beer/liquor/wine renewal application of GSG Food Mart LLC, D/B/A Discount Liquor, 3132 1st Avenue NE.

0885-09-09, approving the special events application for Nightmare Manor Haunted House, 525 H Street SW, from October 3 - October 31, 2009.

0886-09-09, thanking Ruth Hart for serving as a member of the Voluntary Property Acquisition Advisory Committee.

0887-09-09, intent to assess for delinquent municipal utility bills by the property owners at 16 properties.

0888-09-09, awarding and approving contract in the amount of \$96,503.25, bond and insurance of Vieth Construction Corporation for the Oakland Road NE from 29th Street to K Avenue (Extended) Sidewalk project (Engineer's estimated cost is \$135,000).

0889-09-09, awarding and approving contract in the amount of \$64,180 plus incentive up to \$1,500, bond and insurance of Pirc-Tobin Construction, Inc. for the Vinton Ditch at Westwood Drive NW Channel Improvements project (Engineer's estimated cost is \$82,000).

0890-09-09, awarding and approving contract in the amount of \$168,179.60, bond and insurance of Rathje Construction Company for the FHWA Roadway Project Group #1 project (Engineer's estimated cost is \$70,000). (flood)

0891-09-09, awarding and approving contract in the amount of \$457,318.10, bond and insurance of Peterson Contractors, Inc. for the FHWA Bridge and Roadway Repair Projects (Engineer's estimated cost is \$650,000). (flood)

0892-09-09, awarding and approving contract in the amount of \$313,707.55, bond and insurance of United Contractors Inc. and Subsidiaries for the FHWA Retaining Wall project (Engineer's estimated cost is \$300,000). (flood)

0893-09-09, awarding and approving contract in the amount of \$1,911,000 plus incentive up to \$10,000, bond and insurance of Knutson Construction Services Midwest, Inc. for the Cedar Rapids Police Department Flood Recovery project (Architect's estimated cost is \$3,774,000). (flood)

0894-09-09, awarding and approving contract in the amount of \$620,445 plus incentive up to \$10,000, bond and insurance of Miron Construction Company, Inc. for the US Cellular Center Flood Recovery project (Architect's estimated cost is \$720,000). (flood)

0895-09-09, authorizing execution of a 28E Agreement with Linn County for maintenance and repair of traffic signal equipment within the Linn County jurisdiction.

0896-09-09, authorizing execution of a Purchase Agreement in the amount of \$1,640 and accepting an Easement for Sanitary Sewer and a Temporary Access Easement for Construction from Wendling Quarries, Inc. from land at 5750 26th Street SW in connection with the Sanitary Sewer Extension from Willow Creek Drive SW to South of 60th Avenue and West of 26th Street project.

0897-09-09, authorizing execution of a Purchase Agreement in the amount of \$5,520 and accepting two Easements for Storm Sewer and Drainage from Railroad Properties, LLC from vacant land located east of and behind the Town & Country Shopping Center at 3611 1st Avenue SE in connection with the Drain Tile Extension Program – Phase 2 project.

0898-09-09, authorizing execution of Amendment No. 1 to the Professional Services Agreement with Foth Infrastructure & Environment, LLC specifying an amount not to exceed \$81,164 for engineering design services in connection with the 6th Street SW from US Highway 30/151/218 to Ingleside Drive SW Improvements project (total contract price with this amendment is \$514,401).

0899-09-09, authorizing execution of a 28E Agreement with Linn County for construction of traffic signal and roadway improvements in the amount of \$48,000 in connection with the C Avenue NE from Revere Court/Huntington Ridge Road to Sheffield Drive project.

0900-09-09, authorizing execution of a Non-Franchise Utility License Agreement with Kentucky Data Link, Inc. for right-of-way encroachment from 1st Avenue & 6th Street NE to 6th Street & 4th Avenue SE and from Ingleside Drive SW to 6th Street & 4th Avenue SE into the Qwest building.

0901-09-09, awarding and approving contract in the amount of \$491,582, bond and insurance of August Winter & Sons, Inc. for the J Avenue CO2 System Improvements (Engineer's estimate of cost is \$682,000).

0902-09-09, authorizing execution of an Easement Agreement with Patricia Howell, Power of Attorney for Louis and Josephine J. Rozinek, for installation and maintenance access to the area where riverbank stabilization is to be installed along the Cedar River, located in the SE ¼, SE ¼, and in Gov't Lots 5, 6 and 7 of Sec 32-83-6, Linn County, Iowa, for access from Old River Road to and around a manhole along the Cedar River.

0903-09-09, authorizing execution of Amendment #3 with JCG Land Services, Inc. to reflect an expanded scope of work in the amount of \$46,750 (total contract price with this amendment is \$146,731.62). (flood)

0904-09-09, awarding and approving contract in an amount not to exceed \$114,362, bond and insurance of Schumacher Elevator Company for the WPC Elevator Repairs project (Elevator Consultant's estimate of cost is \$110,000). (flood)

0905-09-09, awarding and approving contract in the amount of \$241,963, bond and insurance of Spacesaver Storage Systems, Inc/OSDI for the Police Department Locker Installation project (Architect's estimate of cost is \$400,000). (flood)

0906-09-09, authorizing execution of a Contract with Reassure Technologies to conduct a health claims audit.

0907-09-09, authorizing execution of a Professional Services Agreement with Transitions Made Better, Inc. (TMB) for the administration of the Business Rental Assistance Program through the Iowa Department of Economic Development (IDED). (flood)

0908-09-09, accepting construction of Sanitary Sewer in College Farms Second Addition and approving Maintenance Bond submitted by Bowker Mechanical Contractors, LLC in the amount of \$80,843.

0909-09-09, accepting construction of Storm Sewer in College Farms Second Addition and approving Maintenance Bond submitted by Bowker Mechanical Contractors, LLC in the amount of \$102,811.50.

0910-09-09, accepting construction of Concrete Pavement in College Farms Second Addition and approving Maintenance Bond submitted by City Wide Construction Corporation in the amount of \$146,329.

0911-09-09, accepting the Water system improvements in Hidden Springs 1st Addition and approving Maintenance Bond submitted by Connolly Construction, Inc. in the amount of \$69,305.90.

0912-09-09, authorizing submittal of grant applications to the Iowa Department of Transportation for Safe Routes to School funds to provide funding for sidewalks in the Van Buren, Harrison and Polk School areas.

0913-09-09, approving an amended preliminary assessment proposed for the 33rd Avenue SW from 10th Street to Prairie Creek Road and 18th Street SW from 33rd Avenue to 1000 Feet North project.

0914-09-09, approving an amended preliminary assessment for the 33rd Avenue SW from 18th Street to Edgewood Road improvements project.

0915-09-09, endorsing three projects for consideration by the U.S. Department of Transportation under their Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program.

Discussion: (Ken DeKeyser)

Potential enhancements to Jones Golf Course Clubhouse reconstruction contract with Dean Driscoll Construction.

Consensus of the City Council was for staff to move forward with the enhancements Jones Golf Course Clubhouse.

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

Ordinance No. 033-09, being an Ordinance granting a change of zone for property at 213, 217, 219, 221 and 225 5th Avenue SW and 511 3rd Street SW from RMF-2 Multiple Family Residence Zone District to C-2 Community Commercial Zone District as requested by Cedar Rapids Jaycees, Inc., Cedar Rapids Jaycee Charities, Inc. and Doris M. Hunter, was presented and read the second time.

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

Ordinance No. 034-09, being an Ordinance amending Chapter 12 of the Municipal Code, Water Service, revising various sections to make terminology more uniform, reflecting changes to allowable service line locations and service lines under paved lot frontage, codifying responsibility for cost of replacement of private improvements in public right of way when removed to accomplish a service line repair, and defining allowable circumstances for common service lines, 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, 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, Wieneke and Mayor Halloran.

Ordinance No. 035-09, being an Ordinance amending Chapter 61 of the Municipal Code, Traffic Regulations, by adding Section 61.137A relating to civil seizure and impoundment of motor vehicles and providing a fine for the violation thereof, 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, 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, Wieneke and Mayor Halloran.

Ordinance No. _____, being an Ordinance vacating public ways and grounds in and to the property described as Lot A, Westgate Unit Six (adjacent to 303 Stoney Point Road SW) as requested by Richard E. and Susan M. Enyart, 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 Podzimek. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke and Mayor Halloran.

Ordinance No. _____, being an Ordinance vacating an 85-square foot right-of-way parcel located in front of 4202 1st Avenue NE as requested by Cedar Memorial Park Cemetery Association, Inc., 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 Podzimek. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, Wieneke and Mayor Halloran.

Ordinance No. _____, being an Ordinance amending Chapter 6 of the Municipal Code, City Administration, and Chapter 10 of the Municipal Code, Parks and Public Places by repealing section 6.14 and adopting a new section 6.14 establishing a commission to advise the City concerning river recreation interests, 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 Podzimek. Approved, Ayes, Council members Fagan, Gulick, McGrane, Podzimek, Shey, Shields, 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 8:35 PM to meet Wednesday, September 16, 2009 at 5:30 PM.

Ann Ollinger, City Clerk