

Subject to change as finalized by the City Clerk. For a final official copy, contact the City Clerk's Office 356-5040.

**Iowa City  
City Council Agenda  
Regular Formal  
May 5, 2009 - 7:00 p.m.  
City Hall – Harvat Hall  
410 E. Washington Street**



www.icgov.org

**ITEM 1. CALL TO ORDER.  
ROLL CALL.**

**ITEM 2. PROCLAMATIONS.**

- a) Bicycle Month – May 2009
- b) Tennis Month – May 2009
- c) Older American's Month– May 2009
- d) Wreaths Across America Day, December 12, 2009
- e) Americorps Week, May 9-16, 2009

**ITEM 3. CONSIDER ADOPTION OF THE CONSENT CALENDAR AS PRESENTED OR AMENDED.**

**a) Approval of Council Actions, subject to corrections, as recommended by the City Clerk.**

- 1. April 13, Special Council Work Session
- 2. April 17, Special Council Formal Official and Complete
- 3. April 20, Special Council Work Session
- 4. April 20, Special Council Formal Official and Complete

**b) Receive and File Minutes of Boards and Commissions (any recommendations contained in minutes become effective only upon separate Council action).**

- 1. Airport Commission: March 12, 2009
- 2. Airport Commission: April 14, 2009
- 3. Airport Commission: April 2, 2009
- 4. Airport Commission: February 23, 2009
- 5. Airport Commission: February 12, 2009
- 6. Public Art Advisory Committee: March 5, 2009
- 7. Planning and Zoning Commission: April 2, 2009
- 8. Housing and Community Development Commission: March 26, 2009
- 9. Housing and Community Development Commission: March 12, 2009
- 10. Youth Advisory Commission: March 1, 2009
- 11. Human Rights Commission: March 24, 2009
- 12. Parks and Recreation Commission: March 11, 2009

13. Telecommunications Commission: February 23, 2009

**c) Permit Motions and Resolutions as Recommended by the City Clerk.**

**New:**

1. Class C Liquor License for L & M Iowa City Investments, LLC, dba Chef's Table, 223 E. Washington St.

**Renewal:**

2. Class C Liquor License for Jirsa's, LLC, dba Rick's Grille & Spirits, 1705 S First Ave Suite Q.

**d) Public Hearings.**

1. **CONSIDER A RESOLUTION SETTING A PUBLIC HEARING ON AMENDING THE FY2009 OPERATING BUDGET.**

Comment: This resolution sets a public hearing on May 19, 2009 to amend the FY2009 budget. Information will be available to the public May 8, 2009.

**e) Resolutions.**

1. **CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST TO A SUBORDINATION AGREEMENT BETWEEN THE CITY OF IOWA CITY AND HILLS BANK AND TRUST, CORALVILLE, IOWA FOR PROPERTY LOCATED AT 706 MILLER AVENUE, IOWA CITY, IOWA.**

Comment: Hills Bank and Trust has requested that the City approve a Subordination Agreement for property at 706 Miller Avenue. On March 11, 2005 and on February 8, 2006, the owners of the property received funding from the City of Iowa City through the TARP Rehabilitation Program. The property has enough equity to cover the City's lien position.

**f) Correspondence.**

1. JCCOG Traffic Engineering Planner: **Establishment of a loading zone with a 15-minute limit on the east side of the 10 block of Dubuque Street from Iowa Avenue to the alley.**
2. JCCOG Traffic Engineering Planner: **Installation of NO PARKING ANYTIME signs on the south side of Middlebury Road between Scott Boulevard and Westbury Drive.**
3. JCCOG Traffic Engineering Planner: **Installation of NO PARKING CORNER TO HERE sign at the southeast corner of the Iowa Avenue/Van Buren Street intersection**
4. Ron Knoche, City Engineer: **Competitive Quotation Results Clinton Street- Davenport Street Storm Sewer Improvements**
5. David Downs: **2018/2022 FIFA World Cup Bid Campaign Venue Selection**
6. Ashley Schlinz: **Student housing near the University of Iowa Campus**

- 7. Rod Sullivan: **Historic District and Hancher Auditorium**
- 8. Animal Care Task Force members: **New animal shelter site**

**END OF CONSENT CALENDAR.**

Approved, 7/0 \_\_\_\_\_

**ITEM 4. COMMUNITY COMMENT (ITEMS NOT ON THE AGENDA). [UNTIL 8 PM]**  
 Community Comment will be continued, if necessary, prior to "City Council Information" item.

---



---

**ITEM 5. PLANNING AND ZONING MATTERS.** (Item's "a, b, c" will proceed as outlined in the City Attorney's memo of 2/28/07 entitled "Rezoning, Due Process and Ex parte communications.")

- a) **REZONING APPROXIMATELY 23.25 ACRES OF PROPERTY LOCATED ALONG THE 400 – 500 BLOCKS OF N. VAN BUREN STREET, THE 300 – 500 BLOCKS OF N. GILBERT STREET, THE 300 – 700 BLOCKS OF N. LINN STREET, THE 200 – 300 BLOCKS OF RONALDS STREET, THE 200 – 300 BLOCKS OF CHURCH STREET, THE 200 – 500 BLOCKS OF FAIRCHILD STREET, AND 200 – 400 BLOCKS OF DAVENPORT STREET FROM NEIGHBORHOOD STABILIZATION RESIDENTIAL (RNS-12) ZONE TO HISTORIC DISTRICT OVERLAY/ NEIGHBORHOOD STABILIZATION RESIDENTIAL (OHD/RNS-12) ZONE AND FROM MEDIUM DENSITY SINGLE FAMILY (RS-8) ZONE TO HISTORIC DISTRICT OVERLAY/MEDIUM DENSITY SINGLE FAMILY (OHD/RS-8) ZONE. (REZ09-00001)**

Comment: At its April 2 meeting, by a vote of 6-0 (Plahutnik abstaining), the Planning and Zoning Commission recommended approval of this rezoning. At its March 12 meeting by a vote of (7-0 Hirschman, Michaud and Wagner absent) the Historic Preservation Commission also recommended approval. Staff recommended approval in a report dated March 7. Approval will establish the Northside Historic Preservation District and require that the Historic Preservation Commission review demolition permits and building permits that affect the exterior of buildings within the district. Protest petitions representing over 20% of the property within the proposed district have been submitted, therefore, a super majority (6 out of 7 voting in favor) is necessary to pass this ordinance. Correspondence included in Council packet.

**1. PUBLIC HEARING**

Action: Closed \_\_\_\_\_

**2. CONSIDER AN ORDINANCE (FIRST CONSIDERATION)**

Action: First consideration, 6/1, O'Donnell voting "no" \_\_\_\_\_

- b) **AMENDING TITLE 14, ZONING, ESTABLISHING DEFINITIONS AND A USE CLASSIFICATION PROCEDURE FOR DRINKING ESTABLISHMENTS AND ALCOHOL SALES-ORIENTED RETAIL USES AND ESTABLISHING MINIMUM SPACING REQUIREMENTS FOR DRINKING ESTABLISHMENTS THROUGHOUT THE CITY AND FOR ALCOHOL-SALES ORIENTED RETAIL USES IN THE CENTRAL BUSINESS SERVICE (CB-2), CENTRAL BUSINESS SUPPORT (CB-5), AND CENTRAL BUSINESS (CB-10) ZONES.**

Comment: At its April 16 meeting by a vote of 6-0 (Pluhutnik absent), the Planning and Zoning Commission recommended approval. Staff recommended approval in a report dated March 5. Approval will establish a minimum separation requirement between bars in all commercial zones that allow these uses and a minimum separation requirement in the Central Business Zones between retail establishments, such as liquor stores, that receive a significant amount (25% or more) of their gross income from the sale of alcohol and alcoholic beverages. Correspondence included in Council packet.

**1. PUBLIC HEARING**

Action: Closed \_\_\_\_\_

---

**2. CONSIDER AN ORDINANCE (FIRST CONSIDERATION)**

Action: First consideration, 5/2, O'Donnell and Hayek voting "no" \_\_\_\_\_

---

- c) **CONSIDER AN ORDINANCE CONDITIONALLY REZONING APPROXIMATELY .98 ACRES OF PROPERTY LOCATED NORTH OF ROHRET ROAD FROM INTERIM DEVELOPMENT SINGLE-FAMILY RESIDENTIAL (ID-RS) TO LOW DENSITY SINGLE-FAMILY RESIDENTIAL, 40.13 ACRES FROM RURAL RESIDENTIAL (RR-1) TO LOW DENSITY SINGLE-FAMILY RESIDENTIAL (RS-5) AND 60.28 ACRES FROM LOW DENSITY SINGLE-FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT OVERLAY LOW DENSITY SINGLE-FAMILY RESIDENTIAL (OPD-5). (REZ08-00011) (PASS AND ADOPT)**

Comment: At its February 5 meeting, by a vote of 5-1 (Eastham voting no, Payne absent), the Planning and Zoning Commission recommended approval of this rezoning subject to a Conditional Zoning Agreement addressing improvement of Rohret Road to City standards, a phasing plan for the subdivision, the vacation of the southern portion of Slothower Road, approval of the wetland permit and a plan for the long-term maintenance of the wetland by a home owners' association. Correspondence included in Council packet.

Action: Adopted, 5/2, Wright and Correia, voting "no" \_\_\_\_\_

---

**d) CONSIDER A RESOLUTION APPROVING THE PRELIMINARY OF COUNTRY CLUB ESTATES PARTS 3-7, IOWA CITY, IOWA. (SUB09-00010)**

Comment: At its January 5 meeting, by a vote of 5-1 (Eastham voting no), the Planning and Zoning Commission recommended approval. Staff recommended approval in a report dated January 15. Approval will allow the development of Country Club Estates Parts 3-7 a 107-lot, 79.27-acre residential subdivision located on Robret Road.

Action: Approved, 5/2, Wright and Correia, voting "no" \_\_\_\_\_

**ITEM 6.**

**ADOPTING IOWA CITY'S FY10 ANNUAL ACTION PLAN AND FY09 ANNUAL ACTION PLAN AMENDMENT, WHICH ARE SUB-PARTS OF IOWA CITY'S 2006-2010 CONSOLIDATED PLAN (CITY STEPS), AND AUTHORIZING THE CITY MANAGER TO SUBMIT SAID PLAN AND AMENDMENT AND ALL NECESSARY CERTIFICATIONS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND DESIGNATING THE CITY MANAGER AS THE AUTHORIZED CHIEF EXECUTIVE OFFICER.**

Comment: At their April 16, 2009 meeting, the Housing and Community Development Commission (HCDC) recommended that City Council approve the FY10 Annual Action Plan and an amendment to the FY09 Annual Action Plan. The FY09 Annual Action Plan amendment identifies how the City will allocate the additional Community Development Block Grant (CDBG) funds received through the American Recovery and Reinvestment Act (a.k.a. 2009 Stimulus Bill). The draft minutes of the April 16 HCDC meeting are included in the April 30 Council information packet. A copy of the FY10 Annual Action Plan and FY09 Annual Action Plan amendment went to Council only; however, these plans are also available on the city website. Staff memorandum included in Council packet.

**a) PUBLIC HEARING**

Action: Closed \_\_\_\_\_

**b) CONSIDER A RESOLUTION**

Action: Approved, 6/0, Champion abstaining \_\_\_\_\_

**ITEM 7. INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$4,995,000 GENERAL OBLIGATION CAPITAL LOAN NOTES**

Comment: This public hearing is being held to receive public comment regarding the issuance of up to \$4,995,000 General Obligation Capital Loan Notes. Bond proceeds will be used to pay costs of the construction, reconstruction, and repairing of improvements to public ways, sidewalks, overpasses and streets; the opening, widening, extending, grading and draining of the right-of-way of public grounds and the removal and replacement of dead or diseased trees thereon; the reconstruction, extension and improvement of the existing Municipal Airport; the acquisition, installation and repair of traffic control devices; the rehabilitation, improvement and equipping of existing city parks, including facilities, equipment and improvements commonly found in city parks and equipping of the fire department. This resolution authorizes staff to proceed on behalf of the City with the sale of the bonds, and to take all action necessary to permit the sale of said bonds on a basis favorable to the City and acceptable to the City Council.

**a) PUBLIC HEARING**

Action: Closed \_\_\_\_\_  
\_\_\_\_\_

**b) CONSIDER A RESOLUTION**

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 8. INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$6,500,000 GENERAL OBLIGATION REFUNDING CAPITAL LOAN NOTES, SERIES 2009E**

Comment: This public hearing is being held to receive public comment regarding the issuance of up to \$6,500,000 General Obligation Refunding Capital Loan Notes. Bond proceeds will be used to refund the Series 2001 General Obligation bonds. Refunding this bond issue early will result in a savings of approximately \$300,000 to the City. This resolution authorizes staff to proceed on behalf of the City with the sale of the bonds, and to take all action necessary to permit the sale of said bonds on a basis favorable to the City and acceptable to the City Council.

**a) PUBLIC HEARING**

Action: Closed \_\_\_\_\_  
\_\_\_\_\_

**b) CONSIDER A RESOLUTION**

Action: Approved, 7/0 \_\_\_\_\_

**ITEM 9. INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$700,000 GENERAL OBLIGATION CAPITAL LOAN NOTES**

Comment: This public hearing is being held to receive public comment regarding the issuance of up to \$700,000 General Obligation Capital Loan Notes. Bond proceeds will be used to pay costs of improvements to the Salt Storage Building. This resolution authorizes staff to proceed on behalf of the City with the sale of the bonds, and to take all action necessary to permit the sale of said bonds on a basis favorable to the City and acceptable to the City Council.

**a) PUBLIC HEARING**

Action: Closed \_\_\_\_\_  
\_\_\_\_\_

**b) CONSIDER A RESOLUTION**

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 10. INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$680,000 GENERAL OBLIGATION CAPITAL LOAN NOTES**

Comment: This public hearing is being held to receive public comment regarding the issuance of up to \$680,000 General Obligation Capital Loan Notes. Bond proceeds will be used to pay costs of the renovation, improvement and equipping of recreation grounds, including the Soccer Fields and the Napoleon Park Softball Fields; the acquisition of art for public buildings and areas and roof repair and elevator improvements to a Recreation Center. This resolution authorizes staff to proceed on behalf of the City with the sale of the bonds, and to take all action necessary to permit the sale of said bonds on a basis favorable to the City and acceptable to the City Council.

**a) PUBLIC HEARING**

Action: Closed \_\_\_\_\_  
\_\_\_\_\_

**b) CONSIDER A RESOLUTION**

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 11. INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$360,000 GENERAL OBLIGATION CAPITAL LOAN NOTES**

Comment: This public hearing is being held to receive public comment regarding the issuance of up to \$360,000 General Obligation Capital Loan Notes. Bond proceeds will be used to pay costs of City Hall remodeling; miscellaneous improvements to City Hall; improvements to the Mercer Swimming Pool, including filter system replacement and roof repair to the Senior Center. This resolution authorizes staff to proceed on behalf of the City with the sale of the bonds, and to take all action necessary to permit the sale of said bonds on a basis favorable to the City and acceptable to the City Council.

**a) PUBLIC HEARING**

Action: Closed \_\_\_\_\_  
\_\_\_\_\_

**b) CONSIDER A RESOLUTION**

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 12. INSTITUTING PROCEEDINGS TO TAKE ADDITIONAL ACTION FOR THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$510,000 GENERAL OBLIGATION CAPITAL LOAN NOTES**

Comment: This public hearing is being held to receive public comment regarding the issuance of up to \$510,000 General Obligation Capital Loan Notes. Bond proceeds will be used to pay costs of General Rehabilitation and Improvement Program housing improvements and low income housing improvements in connection with the Housing Fellowship necessary for the operation of the City and the health and welfare of its citizens. This resolution authorizes staff to proceed on behalf of the City with the sale of the bonds, and to take all action necessary to permit the sale of said bonds on a basis favorable to the City and acceptable to the City Council.

**a) PUBLIC HEARING**

Action: Closed \_\_\_\_\_  
\_\_\_\_\_

**b) CONSIDER A RESOLUTION**

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**Moved and seconded to combine 13-16, 7/0; Approved 7/0**

**ITEM 13. CONSIDER A RESOLUTION DIRECTING SALE OF \$6,685,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2009C**

Comment: Bids were received at 10:00 am on May 5, 2009 for the sale of \$6,685,000 General Obligation Capital Loan Notes. This resolution ratifies and confirms the actions of the City Clerk and Finance Director in the determination of the most favorable bid.

**ITEM 14. CONSIDER A RESOLUTION DIRECTING SALE OF \$505,000 TAXABLE GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2009D**

Comment: Bids were received at 10:00 am on May 5, 2009 for the sale of \$505,000 General Obligation Capital Loan Notes. This resolution ratifies and confirms the actions of the City Clerk and Finance Director in the determination of the most favorable bid.

**ITEM 15. CONSIDER A RESOLUTION DIRECTING SALE OF \$6,500,000 GENERAL OBLIGATION REFUNDING CAPITAL LOAN NOTES, SERIES 2009E**

Comment: Bids were received at 10:00 am on May 5, 2009 for the sale of \$6,500,000 General Obligation Refunding Capital Loan Notes. This resolution ratifies and confirms the actions of the City Clerk and Finance Director in the determination of the most favorable bid.

**ITEM 16. CONSIDER A RESOLUTION AUTHORIZING THE REDEMPTION OF OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2001, DATED JUNE 15, 2001 OF THE CITY OF IOWA CITY, IOWA, AND DIRECTING NOTICE BE GIVEN.**

Comment: See above.

**ITEM 17. CONSIDER AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE, ENTITLED "USE OF PUBLIC WAYS AND PROPERTY," CHAPTER 3, ENTITLED "COMMERCIAL USE OF SIDEWALKS," TO ELIMINATE THE CAP ON TEMPORARY SIDEWALK PERMITS AND TO EXPAND THE PERMIT FOR FRIDAYS DURING THE SUMMER BY ESTABLISHING A NEW SIDEWALK RETAILING PERMIT. (SECOND CONSIDERATION)**

Comment: Temporary sidewalk permits are primarily used for "sidewalk days" in the downtown. This ordinance increases the flexibility of the permits by eliminating the cap (present limit is three per year) and the duration (one permit is limited to Fridays to coincide with the Friday Night Concert Series.) It also creates a new sidewalk retailing permit that is available to a business on an annual basis on Thursdays through Sundays from March through October. This idea originated with the Downtown Association of Iowa City, and the packet contains a memo from the Assistant City Manager with more detail. The ordinance provides that rules for the sidewalk retailing permit will be established by staff, and the memo sets forth the proposed rules. Correspondence included in Council packet. Staff recommends expedited action.

Action: Waived second consideration, 7/0 \_\_\_\_\_  
Adopted, 7/0 \_\_\_\_\_

**ITEM 18. CONSIDER AN ORDINANCE AMENDING TITLE 3, ENTITLED "CITY FINANCES, TAXATION AND FEES," CHAPTER 4, ENTITLED "SCHEDULE OF FEES, RATES, CHARGES, BONDS, FINES, AND PENALTIES," SECTION 3-4-5, ENTITLED "SOLID WASTE DISPOSAL," OF THE CITY CODE TO INCREASE OR CHANGE CERTAIN SOLID WASTE CHARGES. (PASS AND ADOPT)**

Comment: This proposed ordinance would increase solid waste collection fees by approximately three and one half percent (3.5%). Currently the fee is \$14.50 per month; the increase would change the fee to \$15.00, effective July 1, 2009. This action is necessary due to annual increases in operational costs. The last fee increase was effective July 1, 2008.

Action: Adopted, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 19. CONSIDER AN ORDINANCE AMENDING TITLE 9 ENTITLED "MOTOR VEHICLES AND TRAFFIC", CHAPTER 7 ENTITLED "VEHICLE SIZE, WEIGHT AND LOAD," TO RESTRICT LARGE TRUCK TRAFFIC ON NORTH SUMMIT STREET AND DEWEY STREET. (PASS AND ADOPT)**

Comment: This Ordinance will amend the City Code to add North Summit Street and Dewey Street to the list of streets where vehicles weighing more than 16 tons are prohibited. The existing streets where large trucks are embargoed include Kirkwood Avenue, South Summit Street, Lower Muscatine Road, and First Avenue. This action has been requested by residents of North Summit Street and Dewey Street; staff found that large trucks have damaged fire hydrants, curbs and sidewalks on these streets due to the narrow right-of-way.

Action: Adopted, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 20. CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CLERK TO ATTEST TO AN AGREEMENT TO LEND ANISTON VILLAGE LIMITED PARTNERSHIP \$282,000 TO PURCHASE LAND TO CONSTRUCT AFFORDABLE RENTAL HOUSING.**

Comment: Under the proposed agreement, the City will provide financing by means of general obligation bonds to a private limited partnership to assist with the purchase of 20 lots and the construction of 22 single-family units (two of the structures will be zero-lot line homes) of affordable rental housing. The general partner is The Housing Fellowship, which set up the limited partnership because the project will be financed in part with tax credits and tax credits can only be awarded to for profit entities. Staff memorandum included in Council packet.

Action: Approved, 7/0 \_\_\_\_\_

**ITEM 21. CONSIDER A RESOLUTION APPROVING AN AGREEMENT TO PURCHASE 612 NORMANDY DRIVE WITH A STATE COMMUNITY DISASTER GRANT.**

Comment: Although 612 Normandy Drive ("the property") is in the 100-year floodplain, it is not eligible for the federal Hazard Mitigation Grant Program (a/k/a the "FEMA buyout"). In House File 64 passed this spring, the State of Iowa established a disaster recovery program entitled "Community Disaster Grants" for, among other reasons, to provide funds to local governments to purchase land that is not eligible for the FEMA buyout. City staff has negotiated a purchase agreement with the owner that requires City Council approval, a copy of which is attached to the resolution. The funds to purchase the property will be from this state grant; there is no local match. The following item on the agenda is for a similar purchase of a home that is not eligible for the buyout.

Action: Approved, 7/0 \_\_\_\_\_

**ITEM 22. CONSIDER A RESOLUTION APPROVING AN AGREEMENT TO PURCHASE 105 TAFT SPEEDWAY WITH A STATE COMMUNITY DISASTER GRANT.**

Comment: Although 105 Taft Speedway ("the property") is in the 100-year floodplain, it is not eligible for the federal Hazard Mitigation Grant Program (a/k/a the "FEMA buyout"). In House File 64 passed this spring, the State of Iowa established a disaster recovery program entitled "Community Disaster Grants" for, among other reasons, to provide funds to local governments to purchase land that is not eligible for the FEMA buyout. City staff has negotiated a purchase agreement with the owner that requires City Council approval, a copy of which is attached to the resolution. The funds to purchase the property will be from this state grant; there is no local match. The previous item on the agenda is for a similar purchase of a home that is not eligible for the buyout.

Action: Approved, 7/0 \_\_\_\_\_

**ITEM 23. CONSIDER A RESOLUTION APPROVING THE ACCEPTANCE OF THE DEDICATION OF A 0.28 ACRE PARCEL OF LAND ON AUDITOR’S PARCELS 2008005 AND 2008004, SOUTHEAST OF DODGE STREET COURT IN IOWA CITY, JOHNSON COUNTY, IOWA, AS PUBLIC RIGHT-OF-WAY.**

Comment: The owner of the property desires to divide and sell a portion of land as shown on the Amended Plat of Survey. In order to avoid the creation of a land-locked parcel, the owner has agreed to dedicate right-of-way to the City which will provide access to a public street for the newly created lot. Staff recommends accepting this dedication.

Action: Approved, 7/0 \_\_\_\_\_

**ITEM 24. CONSIDER A RESOLUTION AWARDDING CONTRACT AND AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST A CONTRACT FOR CONSTRUCTION OF THE 2009 WATER MAIN DIRECTIONAL BORING PROJECT.**

Comment: Bids for this project were opened on Wednesday, April 29<sup>th</sup> and the following bids were received:

Terrell Construction, Inc. Swisher, Iowa	\$ 110,750.00
Summers Enterprise, Inc. Masonville, Iowa	\$ 114,367.00
Gaylord Construction, Inc. Ft. Madison, Iowa	\$ 118,355.00
Utili-Link, Inc. Coweta, Oklahoma	\$ 118,680.00
Volkens, Inc. Dyersville, Iowa	\$ 119,300.00
Directional Zone, Inc. Norfolk, Nebraska	\$ 123,390.00
Ellingson Drainage, Inc. West Concord, Minnesota	\$ 156,152.46
Precision Underground Utilities LLC Cambridge, Iowa	\$ 192,050.00
Engineer's Estimate	\$ 135,000.00

Public Works and Engineering recommend award of the contract to Terrell Construction, Inc. of Swisher, Iowa. The project will be funded with Water revenues.

Action: Approved, 7/0 \_\_\_\_\_

**ITEM 25. CONSIDER A RESOLUTION AWARDING CONTRACT AND AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST A CONTRACT FOR CONSTRUCTION OF THE 2009 PAVEMENT REPLACEMENT FOR WATER MAIN PROJECT.**

Comment: Bids for this project were opened on Wednesday, April 29<sup>th</sup> and the following bids were received:

Feldman Concrete Dyersville, Iowa	\$ 90,072.50
All American Concrete West Liberty, Iowa	\$ 102,050.00
Bud Maas Concrete Iowa City, Iowa	\$ 118,145.00
L.L. Pelling Co. North Liberty, Iowa	\$ 155,677.00
Engineer's Estimate	\$ 170,000.00

Public Works and Engineering recommend award of the contract to Feldman Concrete of Dyersville, Iowa. The project will be funded with Water revenues.

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 26. (Revision) CONSIDER A RESOLUTION REJECTING BIDS RECEIVED ON APRIL 28, 2009 FOR THE BURLINGTON STREET PEDESTRIAN BRIDGE REHABILITATION PROJECT, AND SETTING A NEW DATE FOR RECEIPT OF BIDS FOR THE REBIDDING OF THE BURLINGTON STREET PEDESTRIAN BRIDGE REHABILITATION PROJECT, DIRECTING CITY CLERK TO PUBLISH ADVERTISEMENT FOR BIDS, AND FIXING TIME AND PLACE FOR RECEIPT OF BIDS.**

Comment: Bids for this project were opened on Tuesday, April 28<sup>th</sup> and the following bid was received:

	Base Bid	Base Bid + Alternate Bid
Iowa Bridge & Culvert Washington, Iowa	\$ 571,382.00	\$ 789,142.00
Engineer's Estimate	\$ 409,300.00	\$592,300.00

Because there was only one bidder and the bid received is significantly higher than the Engineer's estimate, Public Works and Engineering recommend rejecting the bid and rebidding the project

This project involves the removal and replacement of the concrete deck and expansion joints along with the repair of the existing handrail. The replacement of the existing handrail with a new railing will be bid as an alternate. The new bid date is May 19, 2009. Funding will be 50% Iowa Department of Transportation, 25% University of Iowa and 25% City of Iowa City. The City's share will be funded with Road Use tax proceeds.

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 27. CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST AN IOWA DEPARTMENT OF TRANSPORTATION FUNDING AGREEMENT FOR THE 420<sup>TH</sup> STREET CORRIDOR IMPROVEMENTS PROJECT RM-3715(645)--9D-52.**

Comment: This project is for roadway improvements and will reconstruct 420<sup>th</sup> Street. The agreement provides for an IDOT Revitalize Iowa's Sound Economy (RISE) grant in the amount of \$1,243,801 with a total estimated construction cost of \$4,500,000. The City's local share will be funded with General Obligation bond proceeds.

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 28. CONSIDER A RESOLUTION APPROVING, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST AN AMENDMENT TO THE FEBRUARY 10, 2009 AGREEMENT BY AND BETWEEN THE CITY OF IOWA CITY AND FOTH INFRASTRUCTURE AND ENVIRONMENTAL, L.L.C. TO PROVIDE ENGINEERING CONSULTANT SERVICES FOR THE 420<sup>TH</sup> STREET CORRIDOR IMPROVEMENTS PROJECT.**

Comment: This agreement amendment authorizes Foth Infrastructure and Environmental to provide additional engineering services required to conduct a Phase II Environmental Investigation. The total cost of engineering consultant services amendment is \$39,900 and will be funded with General Obligation bond proceeds.

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 29. CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST AN IOWA DEPARTMENT OF TRANSPORTATION FUNDING AGREEMENT FOR THE OLD HIGHWAY 218 RESURFACING PROJECT ESL-3715(643)--7S-52.**

Comment: This project involves resurfacing Old Highway 218 from Highway 6 to Mormon Trek Boulevard. This agreement provides for an Iowa DOT Economic Stimulus Grant in the amount of \$600,000 with a total estimated construction cost of \$750,000. The City's local share will be funded with road use tax proceeds.

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 30. CONSIDER A RESOLUTION APPROVING, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST A SECOND AMENDMENT TO THE NOVEMBER 5<sup>TH</sup>, 2007 AGREEMENT BY AND BETWEEN THE CITY OF IOWA CITY AND HOWARD R. GREEN COMPANY CONSULTING ENGINEERS TO PROVIDE ENGINEERING CONSULTANT SERVICES FOR THE IOWA CITY SANITARY LANDFILL.**

Comment: The original agreement provides for the design of the next landfill cell on the western half of the landfill site. This amendment to the agreement authorizes Howard R. Green Company to provide additional engineering services in order to comply with IDNR rule changes that have been enacted within the past year. The total cost of engineering consultant services amendment is \$66,600 and will be funded with Landfill revenues.

Action: Approved, 7/0 \_\_\_\_\_

**ITEM 31. CONSIDER A RESOLUTION APPROVING, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST A SECOND AMENDMENT TO THE MAY 1<sup>ST</sup>, 2007 AGREEMENT BY AND BETWEEN THE CITY OF IOWA CITY AND HOWARD R. GREEN COMPANY CONSULTING ENGINEERS TO PROVIDE ENGINEERING CONSULTANT SERVICES FOR LANDFILL GAS, AIR AND WATER QUALITY MONITORING AT THE IOWA CITY SANITARY LANDFILL.**

Comment: The original agreement provides for engineering services required to operate and monitor the landfill air quality, groundwater monitoring, and gas collection systems and prepare and submit necessary reports in accordance with state and federal. This amendment to the agreement authorizes Howard R. Green Company to provide additional engineering services in order to comply with IDNR rule changes that have been enacted within the past year. The total cost of engineering consultant services amendment is \$177,300 and will be funded with Landfill revenues.

Action: Approved, 7/0 \_\_\_\_\_

**ITEM 32. CONSIDER A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO ACQUIRE PROPERTIES THROUGH THE HAZARD MITIGATION GRANT PROGRAM.**

Comment: State officials have informed the City that it likely will be awarded federal Hazard Mitigation Grant Program (a/k/a the "FEMA buyout") funds in May for the purchase of 40 properties. This resolution authorizes the City Manager, upon direction of the City Attorney, to execute all the necessary documents to acquire the properties, such as entering into purchase agreements. It also authorizes the City Manager to sign an agreement with a third party to hear appeals of the City's determination of the fair market value and to enter into a short term lease in the event that the owner needs to remain in the home for a short period after the closing.

Action: Approved, 7/0 \_\_\_\_\_

**ITEM 33. CONSIDER A MOTION APPROVING THE APPOINTMENT OF A STUDENT LIAISON AND ALTERNATE FROM THE UNIVERSITY OF IOWA GOVERNMENT (UISG) TO THE CITY COUNCIL MAY 1, 2009 UNTIL MAY 1, 2010.**

Comment: Interviews will be held on May 3 and information on the appointment shared with Council prior to action on the appointment.

Action: Motion carried, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 34a. CONSIDER A RESOLUTION APPROVING THE APPOINTMENT OF DALE HELLING AS INTERIM CITY MANAGER FOR THE CITY OF IOWA CITY.**

Comment: This resolution approves the appointment and salary of Dale Helling as Interim City Manager. After discussing potential salary adjustments with Dale, the Mayor recommends the interim position be compensated at the same as the previous City Manager (\$160,000).

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 34b (Addition) CONSIDER RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A FARM LEASE AND SECURITY AGREEMENT BETWEEN THE CITY OF IOWA CITY AND PHILLIP PRYBIL FOR 103 ACRES LOCATED NORTH AND SOUTH OF 420<sup>th</sup> STREET BETWEEN SCOTT BOULEVARD AND TAFT AVENUE, IOWA CITY, IOWA.**

Comment: This property was acquired recently from the Veronica Prybil Trust as a site for a future industrial park. A former operator wishes to continue to farm the property until the site is developed. This resolution authorizes a lease for the period ending on February 28, 2010. Staff recommends approval of this lease agreement.

Action: Approved, 7/0 \_\_\_\_\_  
\_\_\_\_\_

**ITEM 35. ANNOUNCEMENT OF VACANCIES. Applicants MUST reside in Iowa City and be 18 years of age unless specific qualifications are stated. [Staff will not publish additional notices after a period of six publications; but will continue to advertise vacancies with postings and on the Council agenda. However, no additional publication costs will be incurred.]**

**Previous:**

- a) Airport Zoning Brd of Adjustment – One vacancy to fill an unexpired term, effective upon appointment, plus a five-year term ending December 31, 2011. (Carl Williams resigned) (2 males and 0 females currently serve).
- b) Airport Zoning Brd of Adjustment – One vacancy to fill a five-year term January 1, 2009 - December 31, 2013. (Term expires for Dennis Keitel) (2 males and 0 females currently serve).

- c) Airport Zoning Commission – One vacancy to fill a six-year term January 1, 2006 – December 31, 2011. (Term expires for Mark Anderson) (3 males and 0 females currently serve).
- d) Appeals, Board of – One vacancy to fill a five-year term January 1, 2009 – December 31, 2013, one for a Mechanical Professional. (Term expires for Tim Fehr) (5 males and 1 female currently serve).
- e) Human Rights Commission – One vacancy to fill an unexpired term, effective upon appointment, ending January 1, 2010. (Joy Kross resigned) (4 males and 4 females currently serve).
- f) Youth Advisory Commission – One vacancy to fill a two-year term  
One (1) person – Tate High  
January 1, 2009 – December 31, 2010.  
3 males and 3 females currently serve)

**APPLICATIONS MUST BE RECEIVED BY 5:00 P.M., WEDNESDAY, MAY 13, 2009.**

- g) Board of Adjustment – One vacancy to fill an unexpired term, effective upon appointment, plus a five-year term ending January 1, 2015. (Ned Wood resigned) (2 males and 2 females currently serve).

**APPLICATIONS MUST BE RECEIVED BY 5:00 P.M., WEDNESDAY, JUNE 10, 2009.**

**ITEM 36. COMMUNITY COMMENT [IF NECESSARY] (ITEMS NOT ON THE AGENDA).**

---



---

**ITEM 37. CITY COUNCIL INFORMATION.**

---



---

**ITEM 38. REPORT ON ITEMS FROM CITY STAFF.**

- a) City Manager.
- b) City Attorney.
- c) City Clerk.

**ITEM 39. ADJOURNMENT**