

December 15, 2014

The Council of the City of Waterloo, Iowa, met in Regular Session at Harold E. Getty Council Chambers, Waterloo, Iowa, at 5:30 p.m., on Monday, December 15, 2014. Mayor Ernest G. Clark in the Chair. Roll Call: Cole, Jones, Schmitt, Lind, Morrissey, Welper, and Hart.

Moment of Silence.

Pledge of Allegiance: Craig Clark, Building Official/Maintenance Administrator.

14935 - Hart/Morrissey

that the Agenda, amended moving items 5,6,7,8 after item 18, for the Regular Session on Monday, December 15, 2014, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

14936 - Hart/Morrissey

that the Minutes, as proposed, for the Regular Session on Monday, December 8, 2014, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

Mayor Clark performed a Swearing in of Fire Fighters Mike Zimmerly, Kyle Fuller, Kyle Bovy, Levi Hubka and Randy Hansen.

CONSENT AGENDA

14937 - Hart/Schmitt

that the following items on the consent agenda be received, placed on file and approved:

a. Resolutions to approve the following:

- 1. Resolution approving Finance Committee Invoice Summary Report, dated December 15, 2014, in the amount of \$2,536,813.21, a copy of which is on file in the City Clerk’s office, together with recommendation of approval of the Finance Committee.

Resolution adopted and upon approval by Mayor assigned No. 2014-1032.

- 2. Resolution approving the request of Gregory S. Nelsen for tax exemptions on the construction of a new single family home valued at \$193,546 for property located at 4153 Mockingbird Lane and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2014-1033.

- 3. Resolution approving the request of Beverly A. Burton for tax exemptions on the construction of a new attached garage valued at \$20,000 for the property located at 324 Bates Street and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2014-1034.

- 4. Resolution approving the request of Tim Johnson for tax exemptions on the construction of new storage buildings valued at \$210,000 for property located at 712 Ansborough Avenue and located in the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2014-1035.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Jimmy James Canales & Mat Kubo - Performance Artists	Vertigo Performance Art Series	Waterloo Center for the Arts	11/14/14 - 11/17/14	\$300.00
2.	Approved Beer, Liquor, and Wine Applications				

	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Casey's General Store #2427, 3035 Logan Ave.	Class C Beer, B Native Wine	Renewal	12/31/15	X
b.	The Supervisors Club, 3265 DeWitt Rd.	Class C Liquor & Outdoor Sales	Renewal	11/09/15	X
c.	La Michoacana Restaurant, 1221 Franklin St.	Class B Beer	Renewal	11/11/15	X
d.	Casey's General Store #2866, 51 E. Tower Park Dr.	Class C Beer, B Native Wine	Renewal	12/27/18	X

3. Recommendation of re-appointment of Randy Miller, Mike Mrzlak, Craig White and Melvin Wittner (alternate) to the Memorial Hall Commission with term expiration of December 31, 2017.

Roll call vote-Ayes: Seven. Motion carried.

Mr. Lind questioned why the travel request for Culture and Arts is in arrears.

Kent Shankle, Cultural & Arts Commission Director, explained that, due to weather delay, there was an additional night added and changed the request previously approved to \$300.00 from \$250.00.

PUBLIC HEARINGS

14938 - Schmitt/Hart

that proof of publication of notice of public hearing on Purchase of Seven (7) 2015 Patrol Vehicles, as published in the Waterloo Courier on November 26, 2014, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

14939 - Schmitt/Hart

that the hearing be closed. Voice vote-Ayes: Seven. Motion carried.

14940 - Schmitt/Hart

that "Resolution confirming approval of specifications, bid documents, etc.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1036.

14941 - Hart/Schmitt

that "Resolution authorizing to proceed", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1037.

14942 - Hart/Schmitt

Motion to receive and file and instruct City Clerk to read bids and refer to Public Works Director for review.

Bidder	2015 Ford Interceptor Sedan Bid Amount	2015 Ford Interceptor SUV Bid Amount
Stivers Ford Lincoln Waukee, IA 50263	\$25,488.00	\$27,317.00
Bill Colwell Ford Hudson, IA 50643	\$25,178.00	\$27,050.00

Voice vote-Ayes: Seven.

14943 - Hart/Welper

that proof of publication of notice of public hearing on F.Y. 2015 Geraldine Road - Phase 3, Contract No. 871, as published in the Waterloo Courier on

November 25, 2014, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

14944 - Hart/Welper

that the hearing be closed. Voice vote-Ayes: Seven. Motion carried.

14945 - Hart/Welper

that "Resolution confirming approval of plans, specifications, form of contract, etc.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1038.

14946 - Hart/Welper

that "Resolution ordering construction", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1039.

14947 - Hart/Welper

Motion to receive and file and instruct City Clerk to read bids and refer to City Engineer for review.

Bidder	Bid Security	Bid Amount
Skyline Construction, Inc. Cedar Falls, IA 50613	5%	\$653,991.99
Benton's Sand & Gravel, Inc. Cedar Falls, IA 50613	5%	\$514,955.64
J.B. Holland Construction, Inc. Decorah, IA 52101	5%	\$563,026.05
Cedar Valley Corp. Waterloo, IA 50704	5%	\$618,996.30
Horsfield Companies Epworth, IA 52045	5%	\$753,141.65
Dave Schmitt Construction Co. Inc. Cedar Rapids, IA 52404	5%	\$735,424.90
Baker Concrete & Excavating Waverly, IA 50677	5%	\$617,708.50
K Cunningham Construction Co., Inc. Cedar Falls, IA 50613	5%	\$528,904.10
Peterson Contractors Inc. Reinbeck, IA 50669	5%	\$565,680.15
Vieth Construction Corp. Cedar Falls, IA 50613	5%	\$629,919.15
Denver Underground & Grading, Inc. Denver, IA 50622	5%	\$559,148.55

Voice vote-Ayes: Seven.

14948 - Welper/Hart

that proof of publication of notice of public hearing on Purchase of Two (2) 2015 Compact Pickup Trucks for the Building Inspection Department, as published in the Waterloo Courier on November 26, 2014, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

14949 - Welper/Hart

that the hearing be closed. Voice vote-Ayes: Seven. Motion carried.

14950 - Welper/Hart

that "Resolution confirming approval of specifications, bid documents, etc.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1040.

14951 - Welper/Hart

that "Resolution authorizing to proceed", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1041.

14952 - Welper/Hart

Motion to receive and file and instruct City Clerk to read bids and refer to Public Works Director for review.

Bidder	2015 Chevrolet Colorado Ext Cab Pickup (2WD) Bid Amount
Community Motors Co., Inc. Cedar Falls, IA 50613	\$21,963.00
Rydell Chevrolet Waterloo, IA 50702	\$21,373.00

Voice vote-Ayes: Seven.

RESOLUTIONS

14953 - Cole/Welper

that "Resolution approving a variance to the requirements of the Subdivision Ordinance in Section 11-3-2(C) Preliminary Plat Approval, section 11-3-3 (D) Application Procedure and Requirements and a waiver to the requirements of the Subdivision Ordinance in Section 11-4-4 (A) Deferral or Waiver of Required Improvements as it relates to the approval of the Preliminary and Final Plat of Nottingham Third Addition.", be adopted.

Mayor Clark explained that the Planning and Zoning Commission recommended denial and staff recommends approval of the request.

Mike Young, Attorney for Robin Hood Enterprises, explained that the request meets all of the City's requirements but has faced objections from the neighbors. He reviewed the objections he is aware of. The zoning was done approximately 10 years ago.

Bill Claassen, Claassen Engineering, explained the design of the development and the measures taken to prevent flooding.

Rick Young, Developer, explained that FEMA has submitted a LOMA and it is not considered in the floodplain. The retention area is required. The development will be owned and managed by a homeowner's association.

George Stigler, 4616 William Dr., expressed concern with the retention pond/detention pit proposed for the development. He noted that the property has flooded on three separate occasions in the last six years. He noted that the Planning and Zoning commission voted to deny the plat.

Phyllis Doulaveris, 4558 William Drive, expressed concern with the detention area being proposed.

Wendell Lupkes, 4862 W. 4th Street, expressed concern with the detention area being proposed and the proposed homeowner's association's responsibility to maintain the detention pond area.

Gary Luterek, 4828 W. 4th Street, noted a handout emailed to Council with the objections from the surrounding neighbors. He expressed concern with the proposed detention pond.

Kevin Cortright, Developer, spoke in support of the development.

Lynn Day, 4525 William Drive, spoke in opposition to the development as proposed and expressed concern with the water issues in the development.

Pamela Wolff, 4810 W. 4th Street, spoke in opposition to the subdivision as proposed and expressed concern with flooding in the area and the size of the detention area. Concern was expressed regarding the lack of definition of Tract B.

Anthony Day, 4525 William Drive, reported giving a petition in opposition to the development as proposed. He expressed concern with the flooding in the development area and the retention area.

Ranae Lupkis, 4862 W. 4th Street, expressed concern with staff's recommendation due to it violating City Code.

Mr. Welper questioned if the standing water is due to lack of grading and questioned if the detention pits have a history of chemicals or disease.

Noel Anderson, Community Planning and Development Director, explained that the Health Department does review the requests and has not expressed any concern.

Rick Young explained that the retention pond will be a dry pond. The developer will cut it back but believe keeping it larger will help the area. The grading will be done immediately. He explained that some of the standing water was due to a storm sewer being plugged.

Wendell Lupkes explained that the issue is not with the flooding of the lots. He believes that a Board of Adjustment variance is required to have a detention pond in the floodplain.

Noel Anderson explained that the section quoted does not apply to this area. He explained that several cities allow the retention pond in a floodway and/or floodplain.

Mr. Lind reiterated that a Board or Adjustment variance is not required, the size of the retention pond is adequate, and excavation is permitted. He questioned the variance to allow approval of the final plat tonight. He suggested approving all items other than the final plat to allow the design of the retention pond to be reviewed by the home owners.

Noel Anderson confirmed those assessments. It was explained that the variance was required to allow Council to consider both the preliminary and final plat at the same time.

Eric Thorson, City Engineer, explained that staff has reviewed the calculations and the retention pond is not excessive and it is a good thing to be larger than the minimum.

Ms. Cole explained that the development has been being discussed by the Planning and Zoning Commission for three months and the two sides are not going to reach an agreement.

Mr. Morrissey asked for clarification of the four resolutions. He asked what Council is supposed to be considering for approval. He questioned if City Code will be violated if approved.

Noel Anderson explained the variance, the preliminary plat approval, the final approval, and the request to rename the road. The proposal is not a zoning change. It is a design for development. This is a technical document that shows compliance with City ordinances.

Dave Zellhoefer, Assistant City Attorney, confirmed that approval will not violate any ordinances.

Mr. Schmitt expressed concern with potential flooding issues in the area. He also asked that the final plat be tabled for four weeks.

14954 - Schmitt/Lind

To table the resolutions, agenda items #5,6, 7, 8, for four weeks. Ayes: Four. Nays: Three (Morrissey, Welper, Cole). Motion carried.

Mike Young asked for preliminary plat approval.

Mr. Schmitt suggested that the developers answer the questions provided by the neighbors.

Rick Young questioned if the opposition could continually submit questions.

Noel Anderson, Community Planning and Development Director, suggested giving the opposition one week to submit additional questions.

Mr. Schmitt suggested giving the opposition until December 29, 2014 to submit questions.

Ms. Cole suggested consolidating the questions.

14955 - Cole/Welper

that "Resolution approving the request by Robin Hood Enterprises, LLC for the 11-Lot Preliminary Plat of Nottingham Third Addition, Zoned "R-1" One and Two Family Residence District, located north of West Shaulis Road and west of West 4th Street.", be adopted. Item tabled.

14956 - Cole/Welper

that "Resolution approving the request by Robin Hood Enterprises, LLC for the 11-Lot Final Plat of Nottingham Third Addition, Zoned "R-1" One and Two Family Residence District, located north of West Shaulis Road and west of West 4th Street.", be adopted. Item tabled.

14957 - Cole/Welper

that "Resolution approving the request by Robin Hood Enterprises, LLC to rename existing Crusade Drive to Shelley Court.", be adopted. Roll call vote-Ayes: Seven. Item tabled.

14958 - Morrissey/Hart

that "Resolution approving the award of Demolition and Site Clearance Contract to Lehman Trucking for the demolition of 927 W. Mullan Avenue, 100 Blackwood Avenue, 3175 Independence Avenue, 2375 Independence Avenue, and 4012 Leverssee Road in the amount of \$136,975.00.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1042.

14959 - Morrissey/Hart

that "Resolution approving the Purchase and Sale Agreement between the City of Waterloo and Flowers Baking Co. of Waterloo, LLC for the acquisition of 325 Commercial Street in the amount of \$400,000, with up to \$15,000 in city environmental and closing costs, and authorize the Mayor and City Clerk to execute said documents", be adopted. Roll call vote-Ayes: Six. Nays: One (Lind).

Mr. Jones questioned what the intended use for this site will be.

The Mayor explained that there is not an intended use but it is important to control the site for future development.

Mr. Schmitt questioned what funding will be used to purchase the building and what amount of property taxes will be lost when the City purchases the property.

Noel Anderson, Community Planning and Development Director, explained that CIP funding allocated for property acquisitions will be used. The property is assessed at \$442,000 and the property taxes are approximately \$17,750 to all taxing entities.

Mr. Schmitt questioned how the property became available.

Noel Anderson, Community Planning and Development Director, explained that the current owner offered it to the City prior to listing it to the public. Staff believes that, due to the location, it is important to control the site.

Mr. Morrissey questioned what environmental testing will be done.

Noel Anderson, Community Planning and Development Director, explained that asbestos and underground contaminates will be tested.

Mayor Clark explained that there are no plans to demolish the building.

Jeff Kurtz, Main Street Waterloo, thanked the City of Waterloo for preserving the building and asked that there be public discussion as to the future of the building.

Mr. Hart questioned if there is a sunset date for these types of expenditures for the downtown area.

Mayor Clark explained that the City will continue to issue bonds as long as there are empty buildings in the downtown area.

Mr. Hart asked that Council and Staff continue to put funds towards purchasing buildings for development in other areas.

Mr. Welper cautioned that if purchased by a private individual, it could sit empty.

Resolution adopted and upon approval by Mayor assigned No. 2014-1043.

14960 - Morrissey/Hart

that "Resolution approving the request by Roof Development for the 8-Lot Preliminary Plat of St. Joseph's Square, Zoned "C-3" Central Business District, located at the northwest corner of East 3rd Street and Lafayette Street.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1044.

14961 - Morrissey/Hart

that "Resolution approving completion of project, recommendation of acceptance of work and release of retainage in the amount of \$4,018.00 for work performed by Hawkeye Alarm & Signal Company of Waterloo, Iowa at a total cost of \$80,360.00 for the Waterloo Public Library Security Camera Project.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1045.

14962 - Cole/Hart

that "Resolution approving Maintenance Agreement with the City of Evansdale for the maintenance of traffic signals located at Dubuque Road and Evans Road; and traffic signals and additional six (6) street lights at Evansdale Drive and Doris Drive, with a monthly inspection fee of \$105.00; and authorize the Mayor and City Clerk to execute said document.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1046.

14963 - Cole/Hart

that "Resolution approving temporary contract with Per Mar Security Services for security at Waste Management Services plant effective December 26, 2014; and authorize the Mayor to execute said document.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1047.

14964 - Cole/Hart

that "Resolution approving submission of a Black Hawk County Gaming Association grant to purchase body worn cameras for patrol officers for an approximate cost of \$75,000.00, with the grant in the amount of \$50,000.00 and a City match of \$25,000.00.", be adopted. Roll call vote-Ayes: Seven.

Mr. Schmitt questioned if the Federal Government is in the process of providing this equipment.

Mayor Clark explained that he is aware that Federal Government is looking at the program and could be a long way out.

Mr. Hart noted that he has received requests from the community for the cameras.

Mr. Jones questioned if a policy will be drafted for the cameras. He questioned if the video footage is public information.

Dan Trelka, Director of Safety Services, explained that the current policies will be amended. The videos are not released when it is an ongoing investigation but they do eventually become public records.

Resolution adopted and upon approval by Mayor assigned No. 2014-1048.

14965 - Hart/Welper

that "Resolution approving Memorandum of Understanding with INRCOG for grant writing services for REAP grant application for \$200,000 for improvements to Sherwood Park Recreation Area.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1049.

14966 - Hart/Welper

that "Resolution approving agreement with AECOM of Waterloo, Iowa in the amount of \$17,900.00 for engineering services related to the design of upgrades to emergency generator, rehabilitation of FBO building windows and masonry sealing; and replacement of exterior doors in Terminal bag makeup area for the Waterloo Regional Airport.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1050.

14967 - Hart/Welper

that "Resolution approving the agreement with AECOM of Waterloo, Iowa in the amount of \$16,300 for engineering services related to the preparation of documentation for a CATEX for tree removal at the Waterloo Regional Airport.", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2014-1051.

OTHER COUNCIL BUSINESS

14968 - Hart/Cole

that Change Order No. 3 for a net decrease of \$111,705.70 for Rehabilitation of Taxiway E for the Waterloo Regional Airport; and authorize the Mayor to execute said document be received, placed on file and approved. Voice vote-Ayes: Seven. Motion carried.

14969 - Hart/Cole

that Change Order No. 7 for a net increase of \$24,973.88 for the F.Y. 2014 Kimball Avenue Transportation Improvements; and authorize the Mayor to execute said document be received, placed on file and approved. Voice vote-Ayes: Seven. Motion carried.

ORAL PRESENTATIONS

Jack Black, 227 Downing, questioned what permission has been given to name the development St. Joseph's Square.

Noel Anderson, Community Planning and Development Director, explained that the name is approved by the County auditor's office.

John Sherban, 715 Robin Road, expressed concern with the proposal from JSA Development to lease a home to House of Hope.

Forest Dillavou, 1725 Huntington Road, expressed concern with the cost of the footing drain repairs and the Waterloo Police Department having to put down raccoons and rabbits.

Josh Wilson, 2831 Saratoga, expressed concern with not being given answers to what airline is being used for the Paris travel and not changing the travel request to reflect the new expense amounts.

Mayor Clark noted that he was not aware of what airline at the time the question was answered. He explained that the City is obligated to provide records and allow citizens to speak during the Council meeting but he is not obligated to answer questions asked.

Mr. Morrissey questioned if a motion to table can be revisited during the current meeting or if it needed to wait until the following meeting. The Assistant City Attorney will get him an answer.

Mr. Hart expressed condolences to the family of Reverend Mills.

14970 - Hart/Welper

that the above oral comments be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

ADJOURNMENT

14971 - Hart/Welper

that the Council adjourn at 7:55 p.m. Voice vote-Ayes: Seven. Motion carried.

Suzy Schares, CMC
City Clerk/Human Resource Director