

September 21, 2015

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The Council of the City of Waterloo, Iowa, met in Regular Session at Harold E. Getty Council Chambers, Waterloo, Iowa, at 5:30 PM, on Monday, September 21, 2015. Mayor Ernest G. Clark in the Chair.

Roll Call: Jones, Schmitt, Lind, Morrissey, Welper, and Hart.
Absent: Cole.

Moment of Silence.

Pledge of Allegiance: Paul Huting, Leisure Services Director

145043

That the Agenda, for the Regular Session on Monday, September 21, 2015, at 5:30 p.m., be accepted and approved.

Motion made by: Quentin Hart Seconded by: Steve Schmitt
Voice Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.

145044

That the Minutes, as proposed, for the Regular Session on Monday, September 14, 2015, at 5:30 p.m., be accepted and approved.

Motion made by: Quentin Hart Seconded by: Steve Schmitt

Proclamation declaring September 25, 2015 as 93.5 Jaxton FM Day.

Consent Agenda

145045

That the following items on the consent agenda be received, placed on file, and approved.

Moved By: Quentin Hart Seconded By: Ron Welper
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.

a. Resolution to approve the following:

1. Resolution approving Finance Committee Invoice Summary Report, dated September 21, 2015, in the amount of \$3,117,291.05, 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. 2015-737.

2. Resolution approving the request of Tammy D. Banks Bailey for tax exemptions on the construction of a new home valued at \$193,592.00 for property located at 4133 Mockingbird Lane, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2015-738.

3. Resolution approving the request of Shelly M Smallridge for tax exemptions on the construction of a new home valued at \$207,532.00 for property located at 4125 Mockingbird Lane, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2015-739.

4. Resolution approving the request of Keith McClatchy for tax exemptions on the construction of a new home valued at \$205,500.00 for property located at 1419 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2015-740.

5. Resolution approving the request of William Herkelman for tax exemptions on the construction of a new home valued at \$201,542.00 for property located at 4121 Mockingbird Lane, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2015-741.

6. Resolution approving the request of Jason Arenholz for tax exemptions on the construction of a new home valued at \$191,317.00 for property located at 1425 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2015-742.

7. Resolution approving the request of Nathan Douglas for tax exemptions on the construction of a new twin home valued at \$169,900.00 for property located at 4106 Mourning Dove Drive, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2015-743.

8. Request from Peoples Clinic to hold their 3rd Annual Over the River and Through the Woods 5K event on September 26th, 2015, beginning at 8:00 a.m.

Resolution adopted and upon approval by Mayor assigned No. 2015-744.

9. Request from the Waterloo Schools Foundation to hold a Trick or Trot, (Halloween Themed 5K) on October 24, 2015 starting at 8:30 a.m., beginning and ending at Lou Henry Elementary School.

Resolution adopted and upon approval by Mayor assigned No. 2015-745.

10. Resolution approving request of Main Street Waterloo, Waterloo Community Schools and the City of Waterloo to hold the 17th Annual Fun Run event on Tuesday, September 29, 2015 from 9:30 a.m. to Noon.

Resolution adopted and upon approval by Mayor assigned No. 2015-746.

11. Resolution setting date of hearing as October 5, 2015 to approve an amendment to the Northeast Industrial Area Urban Renewal and Redevelopment Plan, and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2015-747.

12. Resolution setting date of hearing as October 5, 2015 to approve an amendment to the Martin Road Urban Renewal and Redevelopment Plan, and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2015-748.

13. Resolution setting date of hearing as October 5, 2015 to approve an amendment to the San Marnan Urban Renewal and Redevelopment Plan, and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2015-749.

14. Resolution approving preliminary plans, specifications, form of contract, etc. and setting date of bid opening as October 8, 2015 and date of public hearing as October 12, 2015 for the F.Y. 2016 Levee Tree Clearing (Black Hawk Creek North Side) and Sink Creek Channel Cleaning, Contract No. 888, and instruct City Clerk to publish notice of plans, specifications, form of contract, etc.

Resolution adopted and upon approval by Mayor assigned No. 2015-750.

15. Cancellation of assessments for property located at 215 Miriam Drive in the amount of \$1,461.67; and authorize City Clerk to notify Black Hawk County Treasurer of said cancellation.

Resolution adopted and upon approval by Mayor assigned No. 2015-751.

16. Request of Main Street Waterloo and the Waterloo Community Schools for a variance to the Noise Ordinance on September 29, 2015 from 9:30 a.m. to Noon in conjunction with the Mayor's Fun Run event to be held at the Expo Grounds and the use of a PA system, together with recommendation of approval of the Director of Safety Services.

Resolution adopted and upon approval by Mayor assigned No. 2015-752.

b. Motion to approve the following:

1. TRAVEL REQUESTS

David Zellhoefer, City Attorney

Class/Meeting: Iowa League of Cities 2015 Conference

Destination: Cedar Rapids, IA

Dates: September 23-25, 2015 Amount not to exceed: \$195.00

Wendy Drinovsky and Ruth Muller (WPD civilian employees)

Class/Meeting: Laserfiche (Empower) Conference

Destination: Long Beach, CA

Dates: January 11-15, 2016 Amount not to exceed: \$3,646.00

Joel Shepard and Todd Henrich - Building Maintenance

Class/Meeting: 2015 National Electric Code Update Class

Destination: Waterloo Center for the Arts

Dates: October 28, 2015 Amount not to exceed: \$240.00

Barry Stratton, Property Safety Inspector

Class/Meeting: 2012 Fire Inspector 1 Exam

Destination: Coralville, IA

Dates: October 22, 2015 (Alt. Amount not to exceed: \$194.00

Dates 10/27, 10/28 or 10/30)

Steve Hostetler, Permit Writer

Class/Meeting: Residential Building Inspector

Destination: Coralville, IA

Dates: October 22, 2015 (Alt. Amount not to exceed: \$168.00

Dates 10/27, 10/28 or 10/30)

Jorge Rojas, Performance Artist

Class/Meeting: Vertigo Performance Aft Series

Destination: Waterloo Center for the Arts (From Salt Lake City, UT)

Dates: October 9, 2015 Amount not to exceed: \$150.00

Sara Hill, Performance Artist

September 21, 2015

Class/Meeting: Vertigo Performance Art Series
Destination: Waterloo Center for the Arts (from Austin, TX)
Dates: October 15, 2015 Amount not to exceed: \$200.00

Shannon Cochran, Performance Artist
Class/Meeting: Vertigo Performance Art Series
Destination: Waterloo Center for the Arts (from Toronto, Canada)
Dates: October 23, 2015 Amount not to exceed: \$150.00

Mark Boesen, Manager of Rehabilitation Services, Matt Chesmore and Jon Martin, Rehabilitation/Relocation Specialists
Class/Meeting: IAHO Fall Conference
Destination: Cedar Falls, IA
Dates: September 30, and October 1-2, 2015 Amount not to exceed: \$900.00

2. LIQUOR LICENSES

Three Amigos Family Restaurant, 2820 Falls Avenue
Class: C Liquor
New Application Includes Sunday
Expiration Date: 8/24/2016

Kings & Queens, 304 W. 4th Street
Class: C Liquor
Renewal Application Includes Sunday
Expiration Date: 9/11/2016

Kum & Go #212, 117 E. San Marnan Drive
Class: E Liquor / B Wine / C Beer
Renewal Application Includes Sunday
Expiration Date: 6/30/2016

Longhorn Steakhouse #5374, 1425 E. San Marnan Drive
Class: C Liquor
Renewal Application Includes Sunday
Expiration Date: 8/31/2016

Newton's Paradise Cafe', 128 E. 4th Street
Class: C Liquor / B Native Wine / Catering w/Outdoor Service
Renewal Application Includes Sunday
Expiration Date: 9/17/2016

WCA Building & Amphitheatre, 225 Commercial Street
Class: C Liquor (Premise Update 5 Day License)
New Application
Expiration Date: 9/30/2015

3. Fireworks Display at Columbus High School, 3231 W. 9th Street, on September 25, 2015 beginning at 8:30 p.m. for the Columbus High School Homecoming Football game.

4. Bonds

Mr. Lind questioned releasing the value of the TIF Districts at the time of the public hearings.

Michelle Weidner, Chief Financial Officer, explained that releasing the value of the TIF is an action that is not part of the item on the agenda.

Mayor Clark noted that a work session would be held.

Michelle Weidner recommended having a work session once the Planning and Finance Departments have the TIF report ready close to November.

Mr. Schmitt questioned the Sink Creek Cleaning contract.

Eric Thorson, City Engineer, explained they are combining the two contracts to make the execution of the work more effective.

Voice Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.

RESOLUTIONS

145046

Resolution approving 28E Agreement with Iowa Alcoholic Beverages Division for a \$50.00 reimbursement fee per occurrence to Waterloo Police Department for tobacco compliance checks and directing Mayor to execute said agreement.

Motion made by: Patrick Morrissey Seconded by: Steve Schmitt
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-753.

145047

Resolution approving the Federal Violence Against Women grant application for funding the Domestic Abuse Response Team (DART) totaling \$60,410.00 for salary and equipment and a local match of \$19470.00 plus benefits, for FY2017.

Motion made by: Patrick Morrissey Seconded by: Steve Schmitt
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-754.

145048

Resolution approving the FY2015 Consolidated Annual Performance and Evaluation Report (CAPER) for CDBG and HOME Program activities for the period of July 1, 2014 through June 30, 2015 to the U.S. Department of Housing and Urban Development.

Motion made by: Patrick Morrissey Seconded by: Steve Schmitt
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-755.

145049

Resolution approving application to the Iowa Department of Transportation for Federal Recreational Trails Funding for a Downtown Whitewater Park, for \$400,000 with a 20 percent local match by the City of Waterloo, and directing execution of said application by Mayor.

Motion made by: Steve Schmitt Seconded by: David Jones
Roll Call Vote -AYES: 4 NAYS: 1 ABSTAIN: 1 ABSENT: 1 - Motion Carried.

Mr. Hart noted an objection on file in the Clerk's Office from Dan Pawlak.

Mr. Lind questioned the amount of supervision and maintenance on a course.

Paul Huting, Leisure Service Director, explained that the course should not have routine maintenance and lifeguards are not required.

Mr. Schmitt questioned where the funding for the project will come from and what liability there is to the City.

Paul Huting, Leisure Service Director, explained that they are looking at grant funding and donations but could use bond funds if that does not happen. The course should be safer than what is there now. Permits need to be acquired to get the course.

Mayor Clark explained that there is no maintenance on the course. The liability should not increase.

Mr. Schmitt questioned who runs the rentals in Manchester.

Paul Huting, noted that the concessions in Manchester is owned by private entities. There has been discussion of Leisure Services running rentals but it has not been decided. There is potential for revenue if Leisure Services runs the rentals.

Mayor Clark explained that one of the benefits of the Manchester course has been the increase in retail and residential activity.

Mr. Schmitt questioned if he needs to abstain due to having a business along the course.

Dave Zellhoefer, City Attorney, explained that at this point there is no need to abstain.

Mayor Clark explained that there is endless potential to become part of the network of kayaks.

Mr. Morrissey questioned who would maintain the course in the event of a flood.

Steve Murphy, 124 Terrace Drive, suggested getting a letter from the insurance carrier on the liability and finding out if the other courses have been successfully sued.

Mayor Clark noted that he hoped to get the entire project funded by private donations and grants.

Resolution adopted and upon approval by Mayor assigned No. 2015-756.

145050

Resolution approving Cedar Valley Sports Commission Grant Application in the amount of \$5,000 for a new video board to replace the scoreboard at Riverfront Stadium.

Motion made by: Steve Schmitt Seconded by: David Jones
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-757.

145051

Resolution approving contract with ConAgra Foods Packaged Foods, LLC and the Iowa Economic Development Authority for High Quality Jobs Program- Tax Credit Component incentives, and authorize the Mayor and City Clerk to execute said contract.

Motion made by: Steve Schmitt Seconded by: David Jones
Roll Call Vote -AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 1 - Motion Carried.

Noel Anderson, Community Planning and Development Director, explained that this is the State's incentive package and the City's participation is shown as a local match. The City is required to report to the State any changes with the project.

Resolution adopted and upon approval by Mayor assigned No. 2015-758.

145052

Resolution approving award of contract to Hardscape Solutions of Iowa, Inc., of Marion, Iowa in the amount of \$111,959.20, and approving the Contract, Bonds, and Certificate of Insurance for the F.Y. 2016 4th Street Streetscape Repairs, Contract No. 889, and authorize Mayor and City Clerk to execute said documents.

Motion made by: Quentin Hart Seconded by: Patrick Morrissey
Roll Call Vote -AYES: 5 NAYS: 1 ABSTAIN: 0 ABSENT: 1 - Motion Carried.

Mr. Lind questioned if the project was going to be paid using TIF funds.

Michelle Weidner, Chief Financial Officer, explained that it is not recommended to be paid for by TIF due to time constraints. She noted that staff take a conservative approach to what they fund with TIF and no new development tied in to pay for the streetscape. Changing the funding will delay the start of construction, and it is already late in the construction season. Weidner further explained similar projects in other parts of town are not paid for with TIF.

Mr. Schmitt explained this is part of why he would like to have a work session.

Michelle Weidner, explained that in the future staff will look at them closer to consider them for TIF.

Mr. Morrissey noted that the citizens who will be impacted by the project have been waiting for the project to be completed and at present, the current condition of the streetscape creates a liability issue.

Mr. Schmitt noted he would like to have an in depth discussion about how to appropriately use TIF.

Mayor Clark explained that he has already scheduled a work session for next week.

Mr. Jones clarified that Michelle conducted research that indicated that bond money will be the best use for the project and in the future a policy can be developed for when it is necessary to leverage TIF.

Forest Dillavou, 1725 Huntington Road, expressed concern with not having the discussion regarding using TIF funds for the project.

Mr. Jones clarified that TIF Districts pay for the do pay based on the captured base but not on the increment, which will end at a designated point in the future.

Michelle Weidner, explained that urban renewal TIFs are used to correct blight and do not have a sunset. Weidner questioned if the City would experience the growth it expects if TIF is not used as an economic development tool. Less than 6% of the Waterloo's 3 billion dollars of property value is held in TIF districts. She further explained that the question of whether or not to use TIF funds was analyzed internally and she asked Council for direction on how they expect to get the process out in the open and for clarification on what projects they do and do not want to have funded by TIF.

Mr. Hart recommended clarifying at the work session what projects the City can and cannot use TIF money to pay for.

Mayor Clark clarified that using TIF money for routine maintenance is not the best use for TIF funds and asked that everyone trust staff as they do an excellent job of analyzing situations.

Resolution adopted and upon approval by Mayor assigned No. 2015-759.

145053

Resolution approving award of contract to Midwest Concrete, Inc., of Peosta, Iowa in the amount of \$261,963.98 and approving the Contract, Bonds, and Certificate of Insurance for the F.Y. 2016 Sidewalk Repair Assessment Program - Zone 5, Contract No. 892, and authorize Mayor and City Clerk to execute said documents.

Motion made by: Quentin Hart Seconded by: Patrick Morrissey
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-760.

145054

Resolution approving Supplemental Agreement No. 1 with Synder & Associates, Inc. of Ankeny, Iowa, in the maximum amount payable of \$12,500.00 for additional testing related to the F.Y. 2014 Stormwater Lift Stations (Hollywood, Cedar Bend, Fletcher), Contract No. 836, and authorize Mayor to execute said document.

Motion made by: Quentin Hart Seconded by: Patrick Morrissey
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-761.

145055

Resolution approving Development Agreement Amendment with Cedar Valley Warehouse, LLC for the for the development of property located along Geraldine Road, including 50 percent tax rebates for 5 years.

Motion made by: Ron Welper Seconded by: Quentin Hart
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-762.

145056

September 21, 2015

Resolution approving Reconstruction and Overlay Street Improvement lists for 2016.

Motion made by: Ron Welper Seconded by: Quentin Hart
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-763.

145057

Resolution approving application to the Iowa Department of Transportation for renewal of a one year permit to establish and sign a snowmobile trail within the right-of-way of State highways within the City limits of Waterloo.

Motion made by: Ron Welper Seconded by: Quentin Hart
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-764.

145058

Resolution approving the Modification of Mortgage between the City of Waterloo and Grand Investments, LLC., and authorizing Mayor to sign said document.

Motion made by: Patrick Morrissey Seconded by: Quentin Hart
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-765.

145059

Resolution approving the Subordination Agreement with Grand Investments, LLC. in consideration for the sum on One Dollar (\$1.00) and other good and valuable consideration the lien of the City of Waterloo's mortgage to the lien of U.S. Bank National Association, and that the lien of the said mortgage of U.S. Bank National Association, shall be prior, paramount, and superior to any right title of claim to the said premises of the City of Waterloo, and authorizing Mayor to sign said Agreement.

Motion made by: Patrick Morrissey Seconded by: Quentin Hart
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.
Resolution adopted and upon approval by Mayor assigned No. 2015-766.

OTHER COUNCIL BUSINESS

145060

Motion to approve Exception to Burning Yard Waste Application for George Wyth State Park to burn 15 acres of prairie grass between Wyth Lake and Main Park Road.

Motion made by: Quentin Hart Seconded by: Ron Welper
Voice Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.

ORAL PRESENTATIONS

145061

That the below oral comments be received and placed on file.

Motion made by: Quentin Hart Seconded by: Patrick Morrissey
Voice Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.

Jim Chapman, 224 Bertch, read an article regarding lawsuits against the Waterloo Police Department.

Bruce Kaiser, 514 E. 2nd Street, thanked Council for placing him on the ADA Commission.

Steve Murphy, 124 Terrace Drive, suggested projects to use TIF funds such as the Beer Brewery and Tri-City.

Mayor Clark asked that questions be submitted ahead of time for the TIF work session.

David Dryer, 3145 W. 4th Street, questioned the Grand Investment items on the agenda. He expressed concern with the grinder being gone at the yard waste site. He questioned access to information on the agenda.

Mayor Clark explained that it is the old Grand Hotel site.

Mark Rice, Public Works Director, explained that the grinder is being serviced.

Mayor Clark noted the benefits of TIF are currently being realized in Waterloo.

Suzy Schares, City Clerk, all of the supporting documentation and contracts for the agenda are listed on the City's website. Residents can contact the Clerk's Office for assistance in locating the information.

Wayne Nathem, 548 Clover Dale, questioned how many TIF districts.

Duane Eilers, 1205 Bishop Street, asked when the electric can be turned back on at 1708 Lafayette. He questioned if M-2 zoned properties can park on gravel.

Noel Anderson, Community Planning and Development Director, explained the area is required to be hard surfaced but the site may be grandfathered in.

Mayor Clark explained that if the parking area is owned by a car lot then it must be hard surfaced.

ADJOURNMENT

September 21, 2015

145062

That the Council adjourn at 6:36 p.m.

Motion made by: Quentin Hart Seconded by: Patrick Morrissey
Roll Call Vote -AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 1 - Motion Carried.

Suzy Schares, CMC
City Clerk/Human Resource Director