

January 19, 2016

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, January 19, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Jones, Schmitt, Lind, Morrissey, Welper, and Amos.

Moment of Silence.

Pledge of Allegiance: Chief Dan Trelka, Director of Safety Services.

145505 - Welper/Schmitt

that the Agenda, as proposed, for the Regular Session on Monday, January 19, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

145506 - Welper/Schmitt

that the Minutes, as proposed, for the Regular Session on Monday, January 11, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

145507 - Welper/Schmitt

that the Minutes, as proposed, for the Special Meeting on Monday, January 4, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

CONSENT AGENDA

145508 - Welper/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 January 19, 2016, in the amount of \$1,371,930.93, 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. 2016-036.

2. Resolution approving the request of Roof Development for tax exemptions on the construction of a new townhome valued at \$154,000 for the property located at 301 E. 3rd Street, and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-037.

3. Resolution approving the request of Roof Development for tax exemptions on the construction of a new townhome valued at \$154,000 for the property located at 303 E. 3rd Street and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-038.

4. Resolution approving the request of Roof Development for tax exemptions on the construction of a new townhome valued at \$154,000 for the property located at 305 E. 3rd Street and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-039.

5. Resolution approving the request of Roof Development for tax exemptions on the construction of a new townhome valued at \$154,000 for the property located at 307 E. 3rd Street and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-040.

6. Resolution approving the request of Roof Development for tax exemptions on the construction of a new townhome valued at \$154,000 for the property located at 309 E. 3rd Street and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-041.

- 7. Resolution approving the request of Roof Development for tax exemptions on the construction of a new townhome valued at \$154,000 for the property located at 311 E. 3rd Street and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-042.

- 8. Resolution approving the request of Anthony Huff for tax exemptions on the construction of a new commercial building valued at \$110,000 for the property located at 631-633 Ansborough Avenue and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-043.

- 9. Resolution approving the request of Carol D. Hoskins for tax exemptions on the construction of a new garage valued at \$8,720 for the property located at 612 Beech Street and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-044.

- 10. Resolution setting date of public hearing as February 1, 2016 to enter into a Development Agreement with Iowa Heartland Habitat for Humanity for the construction of 1 single-family home at 330 Irving Street and authorize the sale and conveyance of said City-owned property in the amount of \$1.00.

Resolution adopted and upon approval by Mayor assigned No. 2016-045.

- 11. Resolution setting the date of public hearing as February 1, 2016 to approve a request by Tom Taylor for a site plan amendment to the "R-4, R-P" Planned Residence District to allow for the construction of a 7,600 SF veterinary clinic with an outdoor dog exercise area, located to the south of 4015 Hurst Drive, and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-046.

- 12. Resolution setting bid opening as March 24, 2016 and the date of public hearing as March 28, 2016 and directing process for the sale of certain tracts of land formerly portions of West San Marnan Drive; and instruct City Clerk to publish notice. - Pulled off consent.

- 13. Resolution approving preliminary specifications, bid documents, etc., and setting date of bid opening as February 11, 2016 and date of public hearing as February 15, 2016 for the F.Y. 2016 Sherwood Recreation Area Phase II Improvements, and instruct City Clerk to publish notice of specifications, bid document, etc.

Resolution adopted and upon approval by Mayor assigned No. 2016-047.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Sgt. Hewitt & Sgt. Monroe	Force Science Body Cameras and other Recordings in Law Enforcement	Des Plaines, IL	March 21-23, 2016	\$1,716.00
b.	Sgt. Gehrke & Sgt. Duncan	Core Leadership (5 Star PLE)	Johnston, IA	March 29-31, 2016	\$1,354.00
c.	Scott Strader, Combination Inspector II	Residential Plumbing Inspector Exam	Coralville, IA	Available Dates for 2016:1/26; 1/28; 2/2; 2/11; 2/19; 2/25	\$199.00
d.	Steve Hostetler, Permit Writer	Residential Electrical Inspector Exam	Coralville, IA	February 19, 2016	\$199.00
e.	Jamie Knutson, Associate Engineer	Asphalt Paving Association of Iowa - Greater Iowa Asphalt Conference	Des Moines, IA	March 3-4, 2016	\$367.52

f.	Matt Chesmore, Rehab Specialist	40 Hour Lead Abatement Contractor Certification	Des Moines, IA	January 24- 28, 2016	\$1,345.00
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2.	Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Spicoli's, 3555 University Avenue	C Liquor w/Outdoor Service	Renewal	12/11/2016	X
b.	Casey's General Store #2427, 3035 Logan Avenue	B Native Wine / C Beer	Renewal	12/31/2016	X

3. Mayor Hart’s recommendation of the following appointments:

Appointee	Board/Commission	Expiration Date	New or Re- Appointment
Ron Welper	Solid Waste Management Commission	01/01/2018	New

Mr. Morrissey asked for clarification on the Rooft Development CURA tax exemptions.

Noel Anderson, Community Planning and Development Director, explained that the city has a CURA area and anyone owning property within those areas can apply for tax exemptions without regard to whether or not they are owner occupied or rentals. He stated that Rooft Development is compliant with all CURA guidelines.

Roll call vote-Ayes: Seven. Motion carried. Item 1.b.3.A - Ayes: Six. Abstain: One (Welper).

Mr. Lind asked to have 1.A.12.discussed and voted on separately.

Item 1.A.12

145509 - Morrissey/Jones

Resolution setting bid opening as March 24, 2016 and the date of public hearing as March 28, 2016 and directing process for the sale of certain tracts of land formerly portions of West San Marnan Drive; and instruct City Clerk to publish notice.

145510 - Lind/Schmitt

To table indefinitely. Ayes: Three. Nays: Four (Morrissey, Jones, Amos, Welper). Motion failed.

Mr. Lind stated that the city does not have clear title to these properties and therefore, cannot sell what it doesn’t actually own. He went on to say that the city should wait to see what the Supreme Court decides before moving forward with these notices.

Mr. Schmitt stated that tabling this item would be the most prudent thing to do.

Mr. Morrissey asked if City Attorney, Dave Zellhoefer, could give his insight to council on this item.

Dave Zellhoefer, City Attorney, stated that the reason the Supreme Court is reviewing this case is because of an appeal by the plaintiffs. That appeal was in response to the Supreme Court’s decision in 2014 finding the city not guilty of the plaintiffs’ original claim of contempt. He added that the court had recognized that the city was simply attempting to comply with the mandates of Section 306.23 and, since 2014, no one on the plaintiffs’ side has filed anything with the courts on this appeal. He went on to say that nothing that is before the courts at this time should hamper the city’s attempt to move forward with compliance and therefore, the city should do just that. Mr. Zellhoefer stated that the Supreme Court has ordered the city to comply with Section 306.23 and that tabling this item would only serve to further the opposition and cost the city more.

Mr. Lind asked if it would be wise to return to mediation on this.

Mr. Zellhoefer stated that all three parties, the plaintiffs, Sunnyside South, and the City of Waterloo, were in mediation on January 4, 2016 at a considerable

cost to the city. He said that during mediation the city offered and suggested cooperation as a means to an end to this and the plaintiffs would have nothing to do with it. The plaintiffs do not want to settle this and therefore, mediation accomplishes nothing.

Mr. Morrissey asked if it is true that the sooner the city gets this over with the less money it will cost the taxpayers.

Mr. Zellhoefer affirmed that it would indeed save money by moving forward with this item.

Mr. Morrissey spoke in opposition to tabling.

Suzy Schares, City Clerk, interjected to remind council that there have been two lawsuits. In the case of the first, the city won all the way through the Supreme Court. This is the second lawsuit filed by the same attorneys with a different group of citizens through which they found a different reason to sue the City. And, as in the first case, the city had won at every level until it reached the Supreme Court.

Mr. Amos clarified that moving forward in compliance of Section 306.23 is what is being voted on at this time.

Mr. Schmitt questioned what the downside would be of tabling this item.

Mr. Zellhoefer stated that nothing before the Supreme Court at this time has anything to do with Section 306.23, but has everything to do with whether or not the city was in contempt in 2014. This item is an attempt to move forward with complying with Section 306.23 which the Supreme Court has ordered the city to do. Tabling this would only serve to delay that compliance and cost the city more money.

Previous Motion:

Roll Call Vote Ayes: Four. Nays: Three (Lind, Schmitt, Jacobs). Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-048.

David Dryer, 3145 West 4th Street, questioned if there could be mechanic's liens placed on these properties by the contractors involved in the development of them.

Mayor Hart recognized Steve Nielson, Library Director.

RESOLUTIONS

145511 - Schmitt/Welper

that "Resolution awarding Bid for Two (2) 10' and Two (2) 13' V-Box Spreaders to Tri-State Equipment Co in the amount of \$59,036 for the Street Department", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-049.

145512 - Schmitt/Welper

that "Resolution approving Notice of Intent for NPDES coverage under general permit to the Iowa Department of Natural Resources for FY 2016 Fitzway and Galactic Drive Extensions, Contract No. 896, and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Seven.

Mr. Lind questioned if the City could use TIF funds to match the Rise grant for this project.

Noel Anderson, Community Planning and Development Director, explained that local option sales tax funding is being used.

Resolution adopted and upon approval by Mayor assigned No. 2016-050.

145513 - Schmitt/Welper

that motion to approve Change Order No. 2 for a net increase of \$52,257.28 for the F.Y. 2015 Sidewalk Repair Program - Zone 5 and Trail Repairs, Contract No. 878, and authorize the Mayor and City Clerk to execute said document", be approved. Roll call vote-Ayes: Seven.

145514 - Lind/Schmitt

that "Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by B & B Builders & Supply, of Waterloo, Iowa, at a total cost of \$306,728.10 for the F.Y. 2015 Sidewalk Repair Program - Zone 5 and Trail Repairs, Contract No. 878", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-051.

145515 - Lind/Schmitt

that "Resolution approving award of contract to Daktronics, Inc., of Brooking, South Dakota, in the amount of \$277,505.00, and approving the contract, bonds, and certificate of insurance for the Riverfront Stadium Video Display Board, and authorize Mayor and City Clerk to execute said documents", be adopted. Roll call vote-Ayes: Seven.

Paul Huting, Leisure Services Director, explained that the owners of the team have \$105,000 invested in this and they believe Daktronics is the right bid to accept.

Travis Nichols, Facility Project Manager Leisure Services, explained that the difference between the base bids was \$6,905.00. Daktronics is highly recommended due to the commonality with the board used in Cedar Rapids to allow for parts to be shared. A third party reviewed the three systems and recommended Daktronics as the industry leader.

Resolution adopted and upon approval by Mayor assigned No. 2016-052.

145516 - Lind/Schmitt

that "Resolution approving Professional Service Agreement with AECOM Technical Services, Inc. for an amount not to exceed \$11,200.00 in conjunction with the Park Avenue Bridge Conceptual Design Review; and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Seven.

Mr. Lind questioned if AECOM was coordinating with the consultant that is doing the whitewater project.

Eric Thorson, City Engineer, agreed and noted that AECOM will be helping in reviewing some of the whitewater plans.

Resolution adopted and upon approval by Mayor assigned No. 2016-053.

145517 - Morrissey/Welper

that "Resolution approving Supplemental Agreement No. 1 with AECOM, of Waterloo, Iowa, in the maximum amount payable of \$24,700.00 for Sink Creek Channel Clean Out and Shaping, and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Seven.

Eric Thorson, City Engineer, explained that this is the next step in a project designed to shape the channels to improve water flow. He also explained that funding would need to be found for this project.

Mr. Schmitt asked if this is for channels within the city or if this would include county as well. He stated that the county might be another source of funding if these included county land as well.

Resolution adopted and upon approval by Mayor assigned No. 2016-054.

145518 - Morrissey/Welper

that "Resolution approving the Professional Services Agreement in the amount of \$219,000 and \$5,000 of reimbursement to Invision of Waterloo, Iowa in conjunction with the Waterloo Center for Arts parking lot renovation, and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-055.

145519 - Morrissey/Welper

that "Resolution approving completion of Project and Recommendation of Acceptance of work for the work performed by the Failor Hurley Construction Co. of Waterloo, Iowa, and Recommend Payment of Pay Estimate No: 2 (Final - Project Retainage) of \$1,529.54 for the FY-2015 Project for the Replacement of Seven (7) Windows and Cleaning and Tuck Point Masonry Project at the General Aviation Terminal Building at the Waterloo Regional Airport", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-056.

145520 - Lind/Schmitt

that "Resolution accepting the Takeover Agreement along with the North American Specialty Insurance Company of Itasca, Illinois, via a contract between the City of Waterloo, Iowa, and the Prairie Construction Co., for the failure of Prairie Construction Co. for the completion of the Roofing and Siding Construction Project for Aircraft Storage T-Hangar Row A, at Waterloo Regional Airport, and direct the Mayor, City Clerk and the City Attorney to execute said document", be adopted. Roll call vote-Ayes: Seven.

Mr. Morrissey asked if the city lost money on this and, if so, did we recoup any of the lost funds.

Keith Kaspari, Airport Director, explained that the city did not lose any money in connection with this project.

Mr. Lind clarified that the bond company is paying the new contractor.

Resolution adopted and upon approval by Mayor assigned No. 2016-057.

145521 - Lind/Schmitt

that "Resolution approving the first of two payments for FY 2016 to Greater Cedar Valley Alliance for work towards economic development, in the amount of \$14,250 base amount with \$10,000 in incentive funds, for a total payment of \$24,250", be adopted. Roll call vote-Ayes: Seven.

Mr. Lind expressed concern with Council not receiving a listing of jobs and what those jobs paid or any reports of that kind from the Alliance.

Noel Anderson, Community Planning and Development Director, explained that they give quarterly reports to council when the projects are announced.

Mr. Morrissey expressed his support of a "fair chance" policy and hopes the lines of communication remain open.

Resolution adopted and upon approval by Mayor assigned No. 2016-058.

ORDINANCES

145522 - Schmitt/Lind

that "an Ordinance amending the Ordinance No. 5079, as amended, City of Waterloo Zoning Ordinance, by amending the Official Zoning Map referred to in Section 10-4-4, approving a Rezone of certain property in conjunction with the request by Noe Sibrian to rezone 0.32 acres from "C-2" Commercial District to "C-2,C-Z" Conditional Zoning District for the purposes of establishing an auto repair business, located at 2006 Dubuque Road", be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Seven. Motion carried.

145523 - Schmitt/Lind

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Roll call vote-Ayes: Seven. Motion carried.

145524 - Schmitt/Lind

that "an Ordinance amending the Ordinance No. 5079, as amended, City of Waterloo Zoning Ordinance, by amending the Official Zoning Map referred to in Section 10-4-4, approving a Rezone of certain property in conjunction with the request by Noe Sibrian to rezone 0.32 acres from "C-2" Commercial District to "C-2,C-Z" Conditional Zoning District for the purposes of establishing an auto repair business, located at 2006 Dubuque Road", be considered and passed for the third time and adopted. Roll call vote-Ayes: Seven.

Ordinance adopted and upon approval by Mayor assigned No. 5329.

ORAL PRESENTATIONS

Jim Chapman, 224 Bertch, praised Council for their good dialogue.

Forest Dillavou, 1725 Huntington Road, asked that legal counsel for the City be sued for giving bad legal advice on Sunnyside South lawsuit.

Mayor Hart thanked community members for donating coats, hats, gloves, and suits.

145525 - Schmitt/Morrissey

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

ADJOURNMENT

145526 - Schmitt/Morrissey

that the Council adjourn at 6:22 p.m. Voice vote-Ayes: Seven. Motion carried.

Suzy Schares, CMC
City Clerk/Human Resource Director