

April 11, 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, April 11, 2016. Mayor Pro-tem Welper in the Chair. Roll Call: Jacobs, Morrissey, Jones, Lind, Amos, Schmitt, and Welper.

Prayer or Moment of Silence.

Pledge of Allegiance: David Jones, Ward 1 Council Member.

145867 - Schmitt/Lind

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

145868 - Schmitt/Lind

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

Mayor Pro-tem Welper read a Proclamation declaring April 10-16, 2016, as Crime Victims' Rights Week.

CONSENT AGENDA

145869 - Schmitt/Morrissey

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 April 11, 2016, in the amount of \$1,402,370.12, 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. 2016-252.

- 2. Resolution approving request from the Memorial Day Board to hold a Memorial Day Parade on May 30, 2016 from 9:45 a.m. to 11:45 a.m. with an honor guard salute and a parade route utilizing Commercial, 5th, Park Avenue and Mulberry Streets, requiring barricades.

Resolution adopted and upon approval by Mayor assigned No. 2016-253.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Lt. Ferguson	Fire Alarm System Testing & Inspections / Fire Alarm Plan Review	Minneapolis, MN	May 3-6, 2016	\$828.00
b.	Lt. Ferguson	2 Day Sprinkler System Plan Review (National Fire Sprinkler Association)	Lockport, IL	May 10-12, 2016	\$530.00
c.	Todd Henrich and Joel Shepard, Building Maintenance	Continuing Education - IA State Electrical License	Cedar Rapids, IA	May 2-3, 2016	\$1,198.00

2.	Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Half Pint Saloon, 1831 Independence Avenue	C Liquor w/Outdoor	Renewal	04/18/2017	X

	Service			
b. Hy-Vee #1, 2834 Ansborough Avenue	B Wine / C Beer / E Liquor	Renewal	03/23/2017	X
Panchero's Mexican Grill, 2845 Crossroads Blvd.	B Beer w/Outdoor Service	Renewal	03/31/2017	X
Sam's Club #6514, 210 E. Tower Park Drive	B Wine / C Beer / E Liquor	Renewal	02/28/2017	X
Screaming Eagle American Bar & Grill, 228 E. 4th Street	C Liquor w/Outdoor Service	Renewal	04/20/2016	X
South Hills Golf Course, 1830 E. Shaulis Road	B Beer w/Outdoor Service	Renewal	03/31/2017	X

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

Appointee	Board/Commission	Expiration Date	New or Re- Appointment
Carrie Diesburg	Human Rights	04/04/2019	New Appointment

Roll call vote-Ayes: Seven. Motion carried. Mr. Jones asked for Item 1.B.3.a to be voted on separately.

Mr. Lind questioned if the fire training is for fire marshal training.

Dan Trelka, Director of Safety Services, clarified that the training is not specific to the fire marshal positon.

145870 - Morrissey/Amos

Item 1.B.3.a appointment of Carrie Diesburg to the Human Rights Commission to expire on 4/4/2019. Roll call vote-Ayes: Four. Nays: Three (Lind, Schmitt, Jacobs). Motion carried.

Dave Zellhoefer, City Attorney, explained that the Human Rights Commission Code is silent as to residency requirements. That would infer that residency is not a requirement. He will put his opinion in writing.

PUBLIC HEARINGS

145871 - Morrissey/Schmitt

that proof of publication of notice of public hearing on Issuance of a quit claim deed for lot 10 block 4 of Lakeside Addition to BBP Real Estate Holdings, LLC for \$1.00, as published in the Waterloo Courier on April 1, 2016, 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.

Bill Kammeyer, 526 Home Park Blvd., questioned who the applicants are.

Noel Anderson, Community Planning and Development Director, explained the BBP Real Estate Holdings is owned by Ben Stroh.

Bruce Kaesser, 500 Sycamore St., questioned who checks on the return for this investment.

Noel Anderson explained that this is a clearing of title so there is no development agreement to be followed.

145872 - Morrissey/Schmitt

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

145873 - Morrissey/Amos

that "Resolution authorizing said conveyance to BBP Real Estate Holdings, LLC for \$1.00, and authorize City Attorney to prepare and deliver deed accordingly", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-254.

145874 - Lind/Amos

that proof of publication of notice of public hearing on 2016 Stump Removal Project, as published in the Waterloo Courier on April 4, 2016, 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.

Bruce Kaesser, 501 Sycamore, questioned what will be placed where the stumps are.

Paul Huting, Leisure Services Director, explained that the soil is restored but the trees are not replaced.

145875 - Lind/Schmitt

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

145876 - Lind/Schmitt

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with the 2016 Stump Removal Project", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-255.

145877 - Lind/Schmitt

that "Resolution authorizing to proceed in conjunction with the 2016 Stump Removal Project", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-256.

145878 - Lind/Schmitt

Motion to receive and file and instruct City Clerk to read bids and refer to Director of Leisure Services for review.

Bidder	Bid Security	Bid Amount
Schaefer Tree & Lawn Waterloo, IA	\$5,445.50 (Check)	\$108,890.00
Twin City Tree Service Waterloo, IA	\$5,600.00	\$112,000.00
Wilson Custom Tree Cresco, IA	Withdrawn	

Voice vote-Ayes: Seven. Motion carried.

145879 - Schmitt/Morrissey

that proof of publication of notice of public hearing on the request by Bauer Built tires to vacate a 16 foot wide sanitary sewer easement between Lots 24 and 25 of Garden Place Addition and a rectangular sanitary sewer easement approximately 29.5' x 25.0' near the southeast corner of Lot 24 to allow for the construction of an 8,170 SF warehouse addition, located adjacent to 2086 Howard Avenue, as published in the Waterloo Courier on April 1, 2016, 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.

Jim Ellis, JDE Engineering, explained that they are working on the civil design and they are available for any questions.

145880 - Schmitt/Morrisey

that the hearing be closed and oral comments and recommendation of approval of the Planning, Programming, and Zoning Commission be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

145881 - Schmitt/Morrissey

that "an Ordinance approving a request by Bauer Built tires to vacate a 16 foot wide sanitary sewer easement between Lots 24 and 25 of Garden Place Addition and a rectangular sanitary sewer easement approximately 29.5' x 25.0' near the southeast corner of Lot 24, located adjacent to 2086 Howard Avenue", be

received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Seven.

145882 - Schmitt/Morrissey

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

Mr. Jacobs requested that the rules be suspended as it has no impacts on neighboring parcels.

Mr. Morrissey questioned if timeliness is an issue.

Jim Ellis, JD Engineering, explained that the developer would like to proceed as soon as possible.

145883 - Schmitt/Morrissey

that "an Ordinance approving a request by Bauer Built tires to vacate a 16 foot wide sanitary sewer easement between Lots 24 and 25 of Garden Place Addition and a rectangular sanitary sewer easement approximately 29.5' x 25.0' near the southeast corner of Lot 24, located adjacent to 2086 Howard Avenue", be considered and passed for the second and third times and adopted. Roll call vote-Ayes: Seven. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 5342.

145884 - Lind/Schmitt

that proof of publication of notice of public hearing on 2016 Right of Way Mowing Contract, as published in the Waterloo Courier on April 1, 2016, 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.

145885 - Lind/Schmitt

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

145886 - Lind/Schmitt

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with the 2016 Right of Way Mowing Contract", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-257.

145887 - Lind/Schmitt

that "Resolution authorizing to proceed in conjunction with the 2016 Right of Way Mowing Contract", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-258.

145888 - Lind/Schmitt

Motion to receive and file and instruct City Clerk to read bids and refer to Director of Leisure Services for review.

Bidder	Bid Security	Bid Amount	
Professional Lawn Care Waterloo, IA	\$3,000 (Check)	Opt A	\$48.75
		Opt B	\$51.50
		Opt C	\$41.55
		Opt D	0
		Opt E	\$59.75
B & B Lawncare Waterloo, IA	\$3,000 (Check)	Opt A	\$47.70
		Opt B	\$57.70
		Opt C	\$39.25
		Opt D	\$1,600.00
		Opt E	\$57.70

Voice vote-Ayes: Seven. Motion carried.

145889 - Morrissey/Amos

that notice of public hearing on the Dollar General #7136, Tobacco Violation - First Offense, 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.

145890 - Morrissey/Amos

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

145891 - Morrissey/Amos

that "Resolution confirming approval Order Assessing Civil Penalty of \$300.00 and instruct Mayor and City Clerk to execute Order Assessing Penalty-First Violation in conjunction with the Dollar General #7136, Tobacco Violation - First Offense", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-259.

145892 - Amos/Morrissey

that proof of publication of notice of public hearing on Ordinance approving the request by Signs and Designs on behalf of Prime RE LLC, for a site plan amendment to allow off-premise signage to be located at 2027 Crossroads Boulevard, to advertise future retail businesses at 2039 Crossroads Boulevard, on a 339 square foot sign, as published in the Waterloo Courier on April 1, 2016, 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.

145893 - Amos/Morrissey

that the hearing be closed and recommendation of approval of the Planning, Programming, and Zoning Commission be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

Noel Anderson, Community Planning and Development Director, explained that this is a joint commercial sign on San Marnan frontage area.

Mr. Schmitt clarified that the issue is the size and the sharing of the sign.

145894 - Amos/Morrissey

that "an Ordinance approving the request by Signs and Designs on behalf of Prime RE LLC, for a site plan amendment to allow off-premise signage to be located at 2027 Crossroads Boulevard, to advertise future retail businesses at 2039 Crossroads Boulevard, on a 339 square foot sign", be received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Seven.

145895 - Amos/Morrissey

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Roll call vote-Ayes: Six. Nays: One (Jacobs). Motion carried.

145896 - Amos/Morrissey

that "an Ordinance approving the request by Signs and Designs on behalf of Prime RE LLC, for a site plan amendment to allow off-premise signage to be located at 2027 Crossroads Boulevard, to advertise future retail businesses at 2039 Crossroads Boulevard, on a 339 square foot sign", be considered and passed for the second and third times and adopted. Roll call vote-Ayes: Seven. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 5343.

#### RESOLUTIONS

145897 - Lind/Amos

that "Resolution approving completion of project, recommendation of acceptance of work performed by Peters Construction of Waterloo, Iowa, and release of

\$7,366.39 retainer to Peters Construction, in conjunction with the Waterloo Center of Arts Schoitz Room Renovation", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-260.

145898 - Lind/Amos

that "Resolution approving Acceptance of Improvements of the Audubon Heights Fourth Addition performed by Dave Schmitt Construction Co. Inc. of Cedar Rapids, Iowa (Contractor); and receive and file two-year maintenance bond from Skogman Construction Company of Iowa (Developer)", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-261.

145899 - Lind/Amos

that "Resolution approving Acceptance of Improvements of the Audubon Heights Fifth Addition performed by Dave Schmitt Construction Co. Inc. of Cedar Rapids, Iowa (Contractor); and receive and file two-year maintenance bond from Skogman Construction Company of Iowa (Developer)", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-262.

145900 - Lind/Amos

that "Resolution approving award of contract to R & D Lawn Care LLC, of Waterloo, Iowa, for Option A \$200.00 per occurrence, Option B \$250.00 per occurrence, Option C \$30.00 per man hour, Option D \$45.00 per acre, Option E \$25.00 per man hour, and approving the bonds and certificate of insurance, in conjunction with the 2016 Lift Stations and Complaint Mowing with Complaint Snow Removals, and authorize Mayor and City Clerk to execute said contract", be adopted. Roll call vote-Ayes: Seven.

Forest Dillavou, 1725 Huntington Road, questioned if this is the same contractor as last year, if the rates are the same, and if the process of notification will remain the same.

Dave Zellhoefer, City Attorney, will contact Mr. Dillavou with the answer.

Resolution adopted and upon approval by Mayor assigned No. 2016-263.

145901 - Morrissey/Lind

that "Resolution approving a request by Steve Troskey on the behalf of BCS Properties, LLC for the preliminary plat of Village West Subdivision, a six lot commercial subdivision, located east of 1844 West Ridgeway Avenue", be adopted. Roll call vote-Ayes: Seven.

Mr. Schmitt questioned if the developer and the neighbors have met.

Steve Troskey, CGA Engineers, explained that two meetings were held and all of the neighbor's questions were addressed. He further stated that a recap email was sent to council including documents presented at those meetings.

Mr. Morrissey explained that the neighbors are concerned with high density residential homes. He questioned the proposed detention ponds. He clarified that there is no intention of building a road to Highway 63.

Mr. Troskey explained that is not in the developer's plans. The detention pond will be constructed. A second and third pond may be constructed for future development.

Mr. Lind questioned if the proposed detention ponds meet the requirements for 100 year flood plans.

Eric Thorson, City Engineer, confirmed that they do meet the 100 year flood plan requirements.

Noel Anderson, Community Planning and Development Director, clarified the zoning requirements for properties adjoining the development area.

David Dryer, 3145 W. 4<sup>th</sup> Street, questioned what is required for a setback. He expressed concern that a road could be proposed to Council in the future.

Noel Anderson, Community Planning and Development Director, explained that the required setback is a maximum of 40 feet.

Frank Medina, 849 Jane Street, expressed concern with the detention ponds capability.

Adam Daters, CJ Engineering, explained that the storm water from the site will be managed but not the cemetery run off. They will manage any runoff that runs through the development.

Mr. Morrissey questioned what happens to the water in the retention pond.

Mr. Daters explained that the pond hold the water for a temporary period of time and then it is slowly released.

Resolution adopted and upon approval by Mayor assigned No. 2016-264.

145902 - Morrissey/Lind

that "Resolution approving a variance to the requirements of the Subdivision Ordinance in Section 2.1(2) General Procedure, Official Submission Dates for a request for the Final Plat of Hawthorne Estates First Addition", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-265.

145903 - Morrissey/Lind

that "Resolution approving a request by Steve Troskey on the behalf of BCS Properties, LLC for the final plat of Village West Subdivision, a six lot commercial subdivision, located east of 1844 West Ridgeway Avenue", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-266.

145904 - Morrissey/Schmitt

that "Resolution approving the request by Bauer Built Tires to dedicate a twenty foot wide utility easement generally located west of 2086 Howard Avenue", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-267.

#### ORDINANCES

145905 - Morrissey/Amos

that "an Ordinance amending the 2007 City of Waterloo Code of Ordinances, Title 8 Chapter 3 Article E Section 2, Definitions by striking Food Service Establishment or FSE and enacting in lieu thereof a new Food Service Establishment or FSE", be considered and passed for the third time and adopted.

Mr. Lind moved to amend by inserting a waiver of fees clause.

John LaPointe, Interim Waste Management Director, explained that this amendment is simply changing a definition within the ordinance.

Suzy Schares, City Clerk, explained that this section of the ordinance has nothing to do with fees.

Dave Zellhoefer, City Attorney, stated that there would be an issue of proper notice with any amendment that would be proposed.

145906 - Lind/Schmitt

to table for two weeks and add a first reading of an ordinance allowing the fees to be waived. Roll call vote-Ayes: Seven.

John Sherban, 1715 Robin Road, expressed concern over the requirements within this ordinance and the costs to the business owner as a result.

145907 - Schmitt/Lind

that "an Ordinance amending the 2007 Code of Ordinances of the City of Waterloo, Iowa, by repealing Section 3 (A), Special Assessments for Improvements and Section 5 Contractor's Bond of Chapter 2, Sidewalk Construction, Inspections and Repair of Title 7, Public Ways and Property, and Section 7 (D) Billing, Certification to County of Chapter 2A, Cost of Improvements; Assessments of Title 7 Public Ways and Property in their entirety; and enacting in lieu thereof a new Section 3 (A), Special Assessments for Improvements and Section 5 Contractor's Bond of Chapter 2, Sidewalk Construction, Inspections and Repair of

Title 7, Public Ways and Property and Section 7 (D) Billing, Certification to County of Chapter 2A, Cost of Improvements; Assessments of Title 7 Public Ways and Property in conjunction with special assessments for improvements and contractor's bond for sidewalk construction, inspections, and repair", be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Seven. Motion carried.

Suzy Schares, City Clerk, asked that council suspend the rules expressing timeliness due to change in state law.

Eric Thorson, City Engineer, explained the requirements involved with the assessment process.

145908 - Schmitt/Amos

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

145909 - Schmitt/Lind

that "an Ordinance amending the 2007 Code of Ordinances of the City of Waterloo, Iowa, by repealing Section 3 (A), Special Assessments for Improvements and Section 5 Contractor's Bond of Chapter 2, Sidewalk Construction, Inspections and Repair of Title 7, Public Ways and Property, and Section 7 (D) Billing, Certification to County of Chapter 2A, Cost of Improvements; Assessments of Title 7 Public Ways and Property in their entirety; and enacting in lieu thereof a new Section 3 (A), Special Assessments for Improvements and Section 5 Contractor's Bond of Chapter 2, Sidewalk Construction, Inspections and Repair of Title 7, Public Ways and Property and Section 7 (D) Billing, Certification to County of Chapter 2A, Cost of Improvements; Assessments of Title 7 Public Ways and Property in conjunction with special assessments for improvements and contractor's bond for sidewalk construction, inspections, and repair", be considered and passed for the third time and adopted. Roll call vote-Ayes: Seven.

Ordinance adopted and upon approval by Mayor assigned No. 5344.

145910 - Lind/Schmitt

that "an Ordinance amending 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 Steve Troskey on the behalf of BCS Properties, LLC to rezone approximately 11.73 acres from "R-3" Multiple Residence District, "R-3,C-Z" Conditional Zoning District, "R-4" Multiple Residence District and "C-2" Commercial District to "C-P" Planned Commercial District for the purposes of developing a commercial subdivision, located east of 1844 West Ridgeway Avenue", be considered and passed for the third time and adopted. Roll call vote-Ayes: Seven.

Mr. Lind clarified that this request eliminates residential zoning in this area.

Noel Anderson, Community Planning & Development Director, that any future proposal for residential development in this area would have to be approved by council.

Ordinance adopted and upon approval by Mayor assigned No. 5345.

145911 - Morrissey/Jones

that "an Ordinance amending 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 of XL Colt Farms, LLC to rezone approximately 19.92 acres from "A-1" Agricultural District, "R-1" One and Two Family Residence District and "R-3" Multiple Residence District to "R-1" One and Two Family Residence District for the purpose of developing a residential subdivision, located east of 1867 Red Tail Drive", be considered and passed for the third time and adopted. Roll call vote-Ayes: Seven.

Mr. Lind asked for clarification.

Noel Anderson, Community Planning and Development Director, stated that the purpose of this action is to further define the zoning of this area.

Ordinance adopted and upon approval by Mayor assigned No. 5346.

#### OTHER COUNCIL BUSINESS

145912 - Schmitt/Jones



that Change Order No. 19, for a net increase of \$22,185.20, which addresses the increase/decrease of final quantities in conjunction with the Shaulis Road Extension, Contract No. 784, STP-U-8155(711)-70-07, for a final contract amount of \$3,150,397.87 and authorize Mayor to sign said document, be received, placed on file and approved. Voice vote-Ayes: Seven. Motion carried.

145913 - Schmitt/Jones

that the Exception to Burning Yard Waste Application by David Rousselow of Rousselow Bros Farms to burn switch grass along a creek with plowed fields on either side of the creek to get rid dead vegetation, April through May 8 (weather permitting), generally located near 5051 Eldora Ct., be received, placed on file and approved. Voice vote-Ayes: Seven. Motion carried.

#### ORAL PRESENTATIONS

Jim Chapman, 224 Bertch, asked for the total amount of change orders.

Will Frost, 501 Sycamore, spoke in support of the traffic safety grant for the study of 5<sup>th</sup> and 6<sup>th</sup> Street.

Steve Murphy, 124 Terrace Drive, expressed concern with the condition of the dog track property near Highway 20. He asked for some of Code Enforcement working second shift and on weekends.

Forest Dillavou, 1725 Huntington Road, questioned if KWWL is selling their property.

Noel Anderson, Community Planning and Development Director, explained that nothing would prevent them from selling the building as long as they met the development agreement.

Bill Kammeyer, 526 Home Park Blvd., expressed concern with using property names.

Bruce Kaesser, 500 Sycamore St., asked who is in charge of enforcing no smoking on public property.

145914 - Lind/Amos

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

145915 - Lind/Amos

that the council adjourn to Executive Session at 6:54 p.m. Roll call vote-Ayes: Seven. Motion carried.

Mr. Zellhoefer stated that he is the attorney

City Attorney Dave Zellhoefer stated that discussion of Property acquisition is an approved topic of Executive Session pursuant to Iowa Code Section 21.5(1)(j) (2015).

#### **E X E C U T I V E   S E S S I O N**

145916 - Lind/Jacobs

that the council adjourn Executive Session at 7:25 p.m. Voice vote-Ayes: Seven. Motion carried.

145917 - Lind/Jacobs

To proceed. Ayes: Seven. Motion carried.

#### ADJOURNMENT

145918 - Lind/Jacobs

that the Council adjourn at 7:25 p.m. Voice vote-Ayes: Seven. Motion carried.

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Suzy Schares, CMC  
City Clerk/Human Resource Director