

April 18, 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 18, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Jones (joined via phone), Lind, Amos, Schmitt, and Welper.

Prayer or Moment of Silence.

Pledge of Allegiance: Bruce Jacobs, Ward 2 Council Member.

145919 - Welper/Schmitt

that the Agenda, as proposed, for the Regular Session on Monday, April 18, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

145920 - Welper/Schmitt

that the Minutes, 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.

CONSENT AGENDA

145921 - 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 April 18, 2016, in the amount of \$2,809,227.17, 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. 2016-268.

2. Resolution approving the request from the Waterloo Symphony to hold their Symphonycyle on May 14, 2016 from 8:00 a.m. until 10:00 p.m. with the route beginning at the Amphitheatre and traveling through downtown, using the trail system where practical.

Resolution adopted and upon approval by Mayor assigned No. 2016-269.

3. Resolution approving the request from the Waterloo Center for the Arts Events Coordinator for closure of Jefferson Street from Park Ave to W. 3rd on an as needed basis for events in 2016.

Resolution adopted and upon approval by Mayor assigned No. 2016-270.

4. Resolution approving request to cancel special assessment for sidewalk repair for Parcel No. 8913-25-405-009, Hayes Addition, Lot 6 Blk 16, in the amount of \$219.00, and authorize City Clerk to notify Black Hawk County Treasurer of said cancellation.

Resolution adopted and upon approval by Mayor assigned No. 2016-271.

7. Resolution setting the date of public hearing as May 2, 2016 to approve a request by Claassen Engineering on behalf of Realty Income Corporation for a site plan amendment to the "S-1" Shopping Center District to allow for the construction of a 4,980 SF restaurant building with 50-stall parking lot, located at 2825 Crossroads Boulevard; and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-272.

8. Resolution setting the date of public hearing as May 2, 2016 to approve a request by Lamar Advertising for a site plan amendment to the "S-1" Shopping Center District to allow for the construction of a 45' tall, 378 SF off-premises billboard, located at 2010 Sears Street; and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-273.

9. Request from Marsha Kloster for a waiver for a concrete driveway located at 203 Gilbert Street with the elimination of the sidewalk section due to

the inability to meet grade requirements of the Driveway and Sidewalk Specifications, Section 18.

Resolution adopted and upon approval by Mayor assigned No. 2016-274.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Sgt. McGeough & Sgt. Richter	BCA Stress Trauma and Burnout	St. Paul, MN	May 1-3, 2016	\$1,106.00
b.	Jon Martin, Rehabilitation Specialist	16 hour Lead Inspector / Risk Assessor Refresher	Dubuque, IA	May 19-20, 2016	\$615.00
c.	Several Police Officers	Field Training Officer Certification	Waterloo, IA	June 6-10, 2016	\$2,450.00
d.	Christopher Charley, Training Officer; Mike Schipper, Fire Engineer/Hazmat Team Leader	Instructor II	Ames, IA	May 2-4, 2016	\$444.16
e.	Eric Thorson, City Engineer	Public Works Expo	Minneapolis, MN	August 27-31, 2016	\$1,949.00
f.	Mayor Quentin Hart	"The Urgency of Now" AAMA 2016 Conference	Washington, D.C.	April 20-23, 2016	\$1,465.00

2. Mayor Hart's recommendation of the following appointments:

Appointee	Board/Commission	Expiration Date	New or Re-Appointment
David Deeds	Cultural and Arts Commission	03/01/2019	Re-Appointment
Ethel Washington	Civil Service Commission	04/01/2020	New Appointment

3. that the Cigarette/Tobacco/Nicotine/Vapor Permit Application for Club Phire Hookah Lounge, 501 W. 4th Street be approved.

4. that the Iowa Public Official Bond For Waterloo Water Works Trustee Member Scott Wienands be received and placed on file.

Roll call vote-Ayes: Seven. Items 1.b.1.d&f. Ayes: Five. Nays: Two (Lind, Schmitt). Motion carried. Mr. Lind asked to have items 1.A.5 and 1.A.6 be voted on separately.

145922 - Lind/Amos

Item 1.A.5.

that "Resolution preliminarily approving plans, specifications, form of contract, etc. and setting date of bid opening as May 5, 2016 and date of public hearing as May 9, 2016 for the F.Y. 2016 4th Street Bridge Canopy Repairs, Contract No. 910; and instruct City Clerk to publish notice of plans, specifications, form of contract, etc." be approved. Ayes: Five. Nays: Two (Lind, Schmitt). Motion carried.

Mr. Lind questioned what happens if bids come in well over the city's estimates.

Eric Thorson, City Engineer, explained that the city would evaluate the bids and determine if it would be cost-effective to move forward with the project or not.

Mayor Hart clarified that half of the funding for this project is coming from a Black Hawk County Gaming Grant which was received by the city specifically for this project.

Mr. Schmitt asked if there had been any discussion of the use TIF funds for this project.

Eric Thorson stated that he had not been involved in any TIF discussions associated with this project.

Forest Dillavou, 1725 Huntington Road, noted that TIF funds should be used to pay for the project.

Mayor Hart stressed that TIF funds are being used to fund other projects and added that this canopy was not built with TIF funds.

Resolution adopted and upon approval by Mayor assigned No. 2016-275.

145923 - Lind/Amos

1.A.6

that "Resolution directing process for the vacate and sale of certain tracts of land formerly portions of West San Marnan Drive right-of-way and fixing the time and place of hearing and notice to be given on the vacate and sale and taking of bids for said property, setting a bid opening as June 23, 2016 and the date of public hearing as June 27, 2016, and instruct City Clerk to publish notice." be approved. Ayes: Seven.

Mr. Lind questioned if Iowa Code Section 306.23 was followed.

Noel Anderson, Community Planning and Development Director, affirmed that all procedures under Iowa Code 306.23 were followed.

Mr. Lind asked if the development agreement with VGM includes conveyance of the property to them.

Noel Anderson, Community Planning and Development Director, affirmed that the agreement includes the sale of the property according to the proper process; another preferred buyer would also have the option to purchase this property under the same process.

David Dryer, 3145 W. 4th Street, questioned if the City owns this property and suggested not selling it until that is confirmed.

Mr. Lind asked if this tract of land is separate from the tracts associated with the Sunnyside South lawsuit.

Noel Anderson confirmed that this tract of land is completely different than the Sunnyside South tract.

Resolution adopted and upon approval by Mayor assigned No. 2016-276.

Mayor Hart acknowledged the Board appointments.

PUBLIC HEARINGS

145924 - Schmitt/Welper

that proof of publication of notice of public hearing on the Purchase of Seven (7) Police Patrol vehicles, 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.

145925 - Schmitt/Welper

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

145926 - Schmitt/Welper

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with the Purchase of Seven (7) Police Patrol vehicles", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Mr. Schmitt questioned if anyone can bid or if only a specific brand is being spec'd.

Mark Rice, Public Works Director, explained that it is spec'd as a Ford due to the specific tools and software needed for servicing the vehicles after the warranty period.

Resolution adopted and upon approval by Mayor assigned No. 2016-277.

145927 - Schmitt/Welper

that "Resolution authorizing to proceed in conjunction with the Purchase of Seven (7) Police Patrol vehicles", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-278.

145928 - Schmitt/Welper

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

Bidder	Bid Amount
Bill Colwell Hudson, IA	2016 Ford Interceptor Sedan - \$25,351 2017 Ford Interceptor SUV - \$29,079
Stivers Waukee, IA	2016 Ford Interceptor Sedan - \$26,152 2017 Ford Interceptor SUV - \$27,844

Voice vote-Ayes: Seven. Motion carried.

145929 - Lind/Amos

that proof of publication of notice of public hearing on the FY2017 One-Year Action Plan for CDBG and HOME Program Funds for the Waterloo/Cedar Falls HOME Consortium, as published in the Waterloo Courier on April 11, 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 comments.

Patricia King, Eye of the Needle, explained that she has information available on services provided through their organization.

Charles Pearson, 5901 Elmore Ave., Davenport, IA, explained programs that have been successful through use of these funds.

Barb Grant, Operation Threshold, spoke in support of funding operation threshold using these funds.

Paul Huting, Leisure Services Director, asked council to consider the request for a reduced amount of funding for the Highland Playground Project.

Jacob Ackerman, 2124 W. 27th St., Cedar Falls, UNI Football team explained that the sophomore class would like to help build this playground.

Mr. Lind asked if the funding could be moved from another approved area to the playground project.

Rudy Jones, Community Development Director, explained that the proposed budget could be amended to cover the cost of funding the playground project.

Mr. Amos offered additional insight on the changes.

Randy Herrod, 111 Highland Blvd, spoke in support of the park project.

Mayor Hart asked if the amount being requested is sufficient to cover the cost of the project.

Rudy Jones stated that it was not enough without the cooperation of outside resources such as the UNI Football team.

Paul Huting, Leisure Services Director, stated that they have amended the budget in a way that will allow completion of this project with the requested \$20,000.00 and the cooperation of outside resources.

145930 - Lind/Amos

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

145931 - Lind/

that "Resolution approving proposed funding recommendations set forth by the Community Development Board for the FY2017 One-year Action Plan for CDBG and HOME Program Funds for the Waterloo/Cedar Falls Home Consortium with the

exception that \$20,000 from single family rehab be moved to the Highland Park project", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Mr. Morrissey asked how this funding compares to last year's funding and why single family rehabilitation would be the preferred source for this funding.

Rudy Jones, Community Development Director, explained that it is a 2-3% increase. The rehab program can sustain a \$20,000 reduction without adversely impacting the program.

Resolution adopted and upon approval by Mayor assigned No. 2016-279.

RESOLUTIONS

145932 - Schmitt/Morrissey

that "Resolution approving a Memorandum of Agreement between the City of Waterloo and S4W, LLC regarding the payment of real estate taxes for a parcel of land associated with 1040-1138 Patrick Court", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-280.

145933 - Schmitt/Morrissey

that "Resolution approving the Business Financial Assistance Application for tax credits through the Iowa Economic Development Authority; and authorize the Mayor and City Clerk to execute any necessary documents, including local match commitment through TIF incentives for the expansion of Hydrite Chemical Co. located at 2815 W.C.F. & N. Drive", be adopted. Roll call vote-Ayes: Seven.

Mr. Lind questioned what the estimate of the match will be.

Noel Anderson, Community Planning and Development Director, explained that they are still working on the amount of the proposed match, but, estimate it to be roughly \$100,000.00.

Resolution adopted and upon approval by Mayor assigned No. 2016-281.

145934 - Schmitt/Morrissey

that "Resolution approving a temporary easement agreement with Pada, LLC for \$100.00 located to the south of 2325 Crossroads Boulevard, in relation to the Dry Run Interceptor Force Main sanitary sewer project", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-282.

145935 - Morrissey/Welper

that "Resolution accepting a Quit Claim Deed for the former Irving School site from the Waterloo Community Schools to take ownership of the site for \$1.00, with up to \$500 in closing costs, and rescinding Resolution No. 2015-407 dated June 1, 2015, and authorizing the Mayor and City Clerk to sign and fully execute any necessary documents", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-283.

145936 - Morrissey/Welper

that "Resolution accepting a Warranty Deed for a portion of the former Devonshire School site from the Waterloo Community Schools to take ownership of the site for \$1.00, with up to \$500 in closing costs, and authorizing the Mayor and City Clerk to sign and fully execute any necessary documents", be adopted. Roll call vote-Ayes: Seven.

Mr. Lind asked if the city will acquire the Devonshire building.

Noel Anderson stated that the building will not be acquired by the city.

Randy Herrod, 111 Highland Blvd., clarified the portion of land being bought by the city through this transaction.

Resolution adopted and upon approval by Mayor assigned No. 2016-284.

145937 - Morrissey/Welper

that "Resolution approving an agreement with Iowa DOT for Traffic Safety Improvement Funding for Traffic Safety Awareness Elementary School Outreach in

the amount of \$11,000 and authorize Mayor and City Clerk to execute said document", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-285.

145938 - Morrissey/Welper

that "Resolution approving an agreement with Iowa DOT for Traffic Safety Improvement Funding for Traffic Safety Awareness Children Online Traffic Safety Quiz in the amount of \$8,500 and authorize Mayor and City Clerk to Execute said document", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-286.

145939 - Welper/Amos

that "Resolution awarding bid and approving contract with Schaefer Tree & Lawn, LLC of Waterloo, Iowa in the amount of \$108,890, and approving the bond and certificate of insurance, in conjunction with the 2016 Stump Removal Project and authorize Mayor and City Clerk to execute said agreement", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-287.

145940 - Welper/Amos

that "Resolution approving Professional Services Agreement with AECOM Technical Services, Inc. for an amount not to exceed \$75,000.00 in conjunction with the Diffuser Wing Dike Improvements Water Pollution Control Facility; and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-288.

OTHER COUNCIL BUSINESS

145941 - Amos/Schmitt

to accept payment of \$750 from Cedar Rapids Bank & Trust for full satisfaction of special assessments and taxes in the amount of \$2,876.27 against parcels #8913-23-285-016 and #8913-23-285-017, generally located at 1116 Harrison Street, be approved. Voice vote-Nays: Seven. Motion failed.

145942 - Lind/Amos

that the Exception to Burning Yard Waste Application in conjunction with the request by Ryan Kurtz on behalf of Hawkeye Community College to burn prairie and native grasses along Campus View Drive and Arboretum Drive between April 8, 2016 and May 13, 2016, be approved. Voice vote-Ayes: Seven. Motion carried.

145943 - Lind/Amos

that the Exception to Burning Yard Waste Application in conjunction with the request by Thomas Abbas to burn native Iowa prairie grass for fire control during April or May (weather permitting), be approved. Voice vote-Ayes: Seven. Motion carried.

Mr. Morrissey asked if the Fire Chief approves of these two requests.

Joe Liebold, Waterloo Police Captain, stated that he had spoken with Chief Pat Treloar who indicated that these are both annual burn events and both meet Waterloo Fire and DNR approval.

ORAL PRESENTATIONS

Jim Chapman, 224 Bertch, questioned where we are in finding out the 2015 change order amounts.

Mayor Hart stated that he would call Mr. Chapman tomorrow and tell him exactly when to expect those figures.

David Dryer, 3145 W. 4th Street, questioned when a property is sold in a TIF District.

Noel Anderson, Community Planning and Development Director, explained that it depends on the paperwork being complete, usually within 2 months.

Bruce W. Kaesser, 500 Sycamore Street, spoke in opposition to waiving the sidewalk requirement for 203 Gilbert Street.

Charles Pearson, 5901 Elmore Ave., Davenport, IA spoke in support of adding more trails on the north side of town.

Forest Dillavou, 1725 Huntington Rd., asked for clarification of the reason for Mr. Jones' physical absence from this meeting.

Mr. Jones stated that he is in Rochester, MN, and is working at Mayo Clinic.

Josh Wilson, 8325 Colby Parkway, Urbandale, IA, congratulated Mayor Hart and thanked him how he is running the meetings. He also congratulated Mr. Amos and Mr. Jacobs on their appointment.

Paul Huting, Leisure Services Director, announced that the city will begin inflation of the bladder dam on Monday, April 25th and it will take a couple of days for it to be fully inflated; docks will be installed beginning April 26th.

Mr. Schmitt asked if the GPS devices on the Code Enforcement Vehicles had been disconnected.

Dave Zellhoefer, City Attorney, stated that the disconnection is moving forward. He also stated that GPS monitoring shows distrust in your employees and is an expense that the city doesn't need.

145944 - Welper/Lind

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

ADJOURNMENT

145945 - Welper/Lind

that the Council adjourn at 6:29 p.m. Voice vote-Ayes: Seven. Motion carried.

Suzy Schares, CMC
City Clerk/Human Resource Director