

April 25, 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 25, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Jones, Lind, Amos, Schmitt, and Welper.

Prayer or Moment of Silence.

Pledge of Allegiance: Patrick Morrissey, Ward 3 Council Member.

145946 - Welper/Schmitt

that the Agenda, as proposed, for the Regular Session on Monday, April 25, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

145947 - Welper/Schmitt

that the Minutes, 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.

Mayor Hart read a Proclamation declaring April 23 - 30, 2016 as Money Smart Week Cedar Valley.

Mayor Hart read a Proclamation declaring April 24 - 30, 2016 as Arbor Week.

Mayor Hart read a Proclamation declaring April 30, 2016 as Latino Heritage Day.

CONSENT AGENDA

145948 - 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 25, 2016, in the amount of \$2,921,258.21, 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. 2016-289.

2. Resolution approving request from ABATE of Iowa District 16 to hold its annual motorcycle awareness ride on May 21st, 2016 starting at 10:30 AM in the Black Hawk County Courthouse parking lot. The motorcycles will leave the courthouse and travel throughout Black Hawk County, ending the ride at Silver Eagle Harley Davidson.

Resolution adopted and upon approval by Mayor assigned No. 2016-290.

3. Resolution approving request from Larry Cohrt for a waiver for a concrete driveway located at 538 Midlothian Blvd 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. 2016-291.

4. Resolution approving request of LaTanya Graves for variance to Noise Ordinance on June 18, 2016 from 10:00 a.m. to 5:00 p.m. in conjunction with the Annual Juneteenth Celebration event to be held at Sullivan Park, including music and a PA system, together with recommendation of approval of Director of Safety Services.

Resolution adopted and upon approval by Mayor assigned No. 2016-292.

5. Resolution preliminarily approving plans, specifications, form of contract, etc. and setting date of bid opening as May 12, 2016 and date of public hearing as May 16, 2016 for the F.Y. 2016 Storm Sewer Improvements, Contract No. 906; and instruct City Clerk to publish notice of plans, specifications, form of contract, etc.

Resolution adopted and upon approval by Mayor assigned No. 2016-293.

6. Resolution setting date of public hearing as May 16, 2016 to approve proposed repairs in conjunction with the Sidewalk Inspection and Repair Program - Zone 6; and approve request to send out notification to property

owners of proposed sidewalk repairs and estimate of costs; and authorize City Clerk to publish notice of said hearing.

Resolution adopted and upon approval by Mayor assigned No. 2016-294.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Inv. Zubak & P.O. Delvalle	Hostage Negotiation School Phase 1 & 2	Overland Park, KS	June 12-17, 2016	\$2,436.00
b.	Scott Strader, Combination Inspector II	Plumbing Plans Examiner (exam)	Coralville, IA	May 3, 4, 11 or 12	\$199.00

2.	Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Dollar General Store #10073, 3815 University Avenue	C Beer / B Wine	Renewal	02/28/2017	X
b.	Dollar General Store #4698, 2935 Logan Avenue	C Beer / B Wine	Renewal	02/28/2017	X
c.	Sunnyside Country Club, 1600 Olympic Drive	A Liquor w/Outdoor Service	Renewal	04/13/2017	X
d.	Casey's General Store #2879, 3260 University Avenue	B Native Wine / C Beer	Renewal	04/18/2017	X
e.	Five Sullivan Brothers Convention Center, 200 W. 4th Street	C Liquor	Renewal	04/30/2016	X

3. to approve Application for Fireworks Display at Hawkeye Community College, 1501 E. Orange Road, for the American Cancer Society Relay for Life event on June 17, 2016 from 10:00 p.m. to 10:20 p.m.

4. Bonds

Roll call vote-Ayes: Seven. Motion carried.

PUBLIC HEARINGS

145949 - Morrissey/Welper

To table for 3 weeks the public hearing on the First Amendment to Development Agreement to authorize conveyance of Lot 3 of Block 16 of Hayes Addition and a portion of alley to be vacated to 3 Little Lambs, LLC for \$1.00. Roll call vote-Ayes: Seven. Motion carried.

145950 - Schmitt/Welper

that proof of publication of notice of public hearing on F.Y. 2016 Sidewalk Repair Program - Zone 6 and Trail Repairs, Contract No. 902, 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 objections and there were none.

145951 - Schmitt/Welper

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

145952 - Schmitt/Welper

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with the F.Y. 2016 Sidewalk Repair Program - Zone 6 and Trail Repairs, Contract No. 902", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-295.

145953 - Schmitt/Welper

that "Resolution authorizing to proceed in conjunction with the F.Y. 2016 Sidewalk Repair Program - Zone 6 and Trail Repairs, Contract No. 902", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-296.

145954 - Schmitt/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
B&B Builders & Supply Waterloo, IA	5%	\$315,365.83
Midwest Concrete Inc. Peosta, IA	5%	\$390,739.70

Voice vote-Ayes: Seven. Motion carried.

145955 - Lind/Schmitt

that proof of publication of notice of public hearing on the F.Y. 2016 Fitzway Drive and Galactic Drive Extensions, Contract No. 896, 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 objections and there were none.

145956 - Lind/Schmitt

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

145957 - Lind/Schmitt

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with the F.Y. 2016 Fitzway Drive and Galactic Drive Extensions, Contract No. 896", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-297.

145958 - Lind/Schmitt

that "Resolution authorizing to proceed in conjunction with the F.Y. 2016 Fitzway Drive and Galactic Drive Extensions, Contract No. 896", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-298.

145959 - Lind/Schmitt

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

Bidder	Bid Security	Bid Amount
Lodge Construction Corp. Clarksville, IA	5%	\$413,867.00
Vieth Construction Corp. Cedar Falls, IA	5%	\$371,966.00
Peterson Contractors Inc. Reinbeck, IA	5%	\$346,508.25
K Cunningham Construction Cedar Falls, IA	5%	\$366,582.90

Voice vote-Ayes: Seven. Motion carried.

RESOLUTIONS

145960 - Morrissey/Welper

that "Resolution approving submission of a grant application to the HUD Office of Lead Hazard Control and Healthy Homes for a 3 year grant in the amount of \$2,719,813 with matching CDBG funds of \$224,818", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-299.

145961 - Morrissey/Welper

that "Resolution awarding bids and approving contracts with B&B Lawn Care, Inc. and Professional Lawn Care, LLC both of Waterloo, Iowa in the amount of \$47.70/acre-Option A, \$51.50/acre-Option B, \$28.00/acre-Option C, \$600.00/acre-Option D, \$57.70/acre-Option E and approving the bonds and certificates of insurance, in conjunction with the 2016 Right of Way Mowing and authorize Mayor and City Clerk to execute said agreements", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-300.

145962 - Morrissey/Welper

that "Resolution awarding bid for Three (3) Police Patrol Sedans to Bill Colwell Ford, Hudson, IA in the amount of \$76,053", be adopted. Roll call vote-Ayes: Seven.

Mr. Schmitt questioned why different types of vehicles are being purchased for the police department.

Mark Rice, Public Works Director, explained the goal is the reach a 50/50 platform between SUVs and sedans being used by the police department. He went on to clarify the additional SUV is being purchased with insurance money received for a vehicle that was totaled in an accident.

Resolution adopted and upon approval by Mayor assigned No. 2016-301.

145963 - Lind/Amos

that "Resolution awarding bid for Four (4) Police Patrol SUV's to Stivers Ford, Waukee, IA in the amount of \$111,376", be adopted. Roll call vote-Ayes: Six. Nays: One (Jacobs).

Mr. Jacobs questioned why these vehicles are not being purchased locally.

Mark Rice, Public Works Director, explained that he is recommending that council accepts the low bid and Stivers Ford has the state bid which is the lowest for the SUVs.

Resolution adopted and upon approval by Mayor assigned No. 2016-302.

145964 - Lind/Amos

that "Resolution supporting the application by Grand Investments, LLC for the Iowa Workforce Housing Tax Incentives Program to construct 24 new housing units and five commercial, ground level units located near the corner of Hwy 63 and Jefferson Street", be adopted. Roll call vote-Ayes: Seven.

David Dryer, 3145 W. 4<sup>th</sup> Street, asked if Grand Investments, LLC is the Grand Hotel. He then expressed opposition to the adoption of this item.

Resolution adopted and upon approval by Mayor assigned No. 2016-303.

145965 - Lind/Amos

that "Resolution approving the Historical Resource Development Program grant from the State Historical Society of Iowa to allow for site surveys to be performed on properties located within the Walnut Court Neighborhood, and authorize Mayor and City Clerk to execute all necessary documents", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-304.

145966 - Amos/Welper

that "Resolution setting the date of hearings as May 16, 2016 on the proposed issuance of ECP-1 - Not to exceed \$7,200,000 General Obligation Bonds (Essential

Corporate Purpose) for project classifications just approved; and instruct the City Clerk to publish notice. (Details on projects covered by each hearing are on file for review.)", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-305.

145967 - Amos/Welper

that "Resolution setting the date of hearings as May 16, 2016 on the proposed issuance of GCP-2 - Not to exceed \$700,000 General Obligation Bonds (General Corporate Purpose) for project classifications just approved; and instruct the City Clerk to publish notice. (Details on projects covered by each hearing are on file for review.)", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-306.

145968 - Amos/Welper

that "Resolution setting the date of hearings as May 16, 2016 on the proposed issuance of GCP-3 - Not to exceed \$700,000 General Obligation Bonds (General Corporate Purpose) for project classifications just approved; and instruct the City Clerk to publish notice. (Details on projects covered by each hearing are on file for review.)", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-307.

145969 - Amos/Welper

that "Resolution setting the date of hearings as May 16, 2016 on the proposed issuance of GCP-4 - Not to exceed \$700,000 General Obligation Bonds (General Corporate Purpose) for project classifications just approved; and instruct the City Clerk to publish notice. (Details on projects covered by each hearing are on file for review.)", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-308.

145970 - Amos/Welper

that "Resolution setting the date of hearings as May 16, 2016 on the proposed issuance of GCP-5 - Not to exceed \$700,000 General Obligation Bonds (General Corporate Purpose) for project classifications just approved; and instruct the City Clerk to publish notice. (Details on projects covered by each hearing are on file for review.)", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-309.

145971 - Amos/Welper

that "Resolution setting the date of hearings as May 16, 2016 on the proposed issuance of ECP/UR-6 - Not to exceed \$1,000,000 General Obligation Urban Renewal Bonds (Essential Corporate Purpose) for project classifications just approved; and instruct the City Clerk to publish notice. (Details on projects covered by each hearing are on file for review.)", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-310.

145972 - Amos/Welper

that "Resolution setting the date of hearings as May 16, 2016 on the proposed issuance of the following bonds for project classifications just approved; and instruct the City Clerk to publish notice. (Details on projects covered by each hearing are on file for review.)", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-311.

Mr. Lind asked for details to be placed on the website prior to the public hearings.

145973 - Welper/Morrissey

that "Resolution Electing Classifications and Procedures for proposed Bond Projects as listed in the requested Waterloo Project Allocations 2016 Bond Issue Summary for the FY2017 projects", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-312.

145974 - Welper/Morrissey

that "Resolution approving award of hotel/motel tax council discretionary funds to the North End Arts and Music Fest - \$5,000; Waterloo Leisure Services 2016 Golf Marketing Campaign - \$9,000; RiverLoop Association, Inc. 2016 Summer Performances - \$17,400; and the Jesse Cosby Center Youth Employment Program - \$5,000", be adopted. Roll call vote-Ayes: Six. Nays: One (Schmitt).

Mr. Schmitt questioned how the youth employment program relates to the Convention & Visitor's Bureau hotel/motel discretionary funding.

Mayor Hart explained that there are various purposes for this funding and they are outlined in the packet that was given to council members.

Pastor Helen Seenster, 4040 Homer Street, explained how this program improves quality of life for the young people it serves.

Mr. Amos read a statement outlining the Jesse Cosby Center Youth Employment Program.

Willie Mae Wright, 327 Almond Street, spoke in support of the youth employment program.

Beverly Cosby, Board President for the Jesse Cosby Center, explained the importance of the employment program for the youth.

David Dryer, 3145 W. 4<sup>th</sup> Street, stated that, while he agrees with programs such as these, the responsibility of teaching life skills to our young people should fall to the Waterloo Community Schools.

Bill Kammeyer, 526 Home Park Blvd., expressed support of these programs and asked what is the ultimate goal of them.

Mr. Morrissey added that these proposed recipients have been vetted through a very specific process and have been deemed qualified for the receipt of these funds.

Mr. Jacobs asked who is on the committee responsible for the review process of these applicants.

Mr. Morrissey stated that committee members include himself, David Jones, and Jerome Amos.

Mr. Jacobs stated that he does not support programs that place the city government in direct competition with local businesses.

Pastor Marvin Jenkins, 209 Shilliam Ave., stated that these programs are not hiring these kids, but giving them the skills needed to become employable.

Mr. Morrissey stated that he doesn't believe this competes with the private sector at all and has not heard from any business owners regarding any issues related to these programs. He went on to encourage any business owners who might have issues to step forward and become proactive in this by offering grants to support the programs that improve the skills of young people and make them employable.

145975 - Lind/Schmitt

to separate items to be voted on individually. Roll-call vote: Ayes - Three. Nays - Four (Amos, Welper, Morrissey, Jones) Motion failed.

Resolution adopted and upon approval by Mayor assigned No. 2016-313.

145976 - Welper/Morrissey

that "Resolution approving a permanent easement agreement with Members Cedar Enterprises, LLC, for \$1,830.00 located at 549 Center Street, in relation to the FY 2016 Storm Sewer Improvements project, Contract No. 906", be adopted. Roll call vote-Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2016-314.

145977 - Lind/Morrissey

that "Resolution approving an amendment to Resolution No. 2016-225, establishing a schedule of fees and penalties for Title 8, Chapter 3, Article E, Section 11 and 13 of the Code of Ordinances of the City of Waterloo, by adding a new Section 5, waiving the inspection fee of Section 1 if the Food Service Establishment has not violated any regulations of Title 8, Chapter 3, Article E, Regulation of Fat, Oil and Grease, of the Code of Ordinances of the City of

Waterloo", be adopted. Roll call vote-Ayes: Three. Nays: Four (Amos, Welper, Morrissey, Jones). Motion failed.

Curtis Wiechoff, Gino's Pizza, expressed concern with the ordinance.

Mr. Jacobs asked for council to consider a waiver as a compromise for small business owners.

Mr. Morrissey spoke in opposition to the waiver.

Mr. Jacobs asked that the item be tabled in order work on a better program.

Mr. Morrissey explained the amount of work that has already been put into this by members of the council and local business owners. He spoke in favor of a vote on this item.

John Sherban, 1715 Robin Rd., spoke in opposition to this item.

Mr. Lind spoke in favor of a waiver.

David Dryer, 3145 W. 4<sup>th</sup> Street, stated that there should be a different fee schedule for the small business owner.

Mr. Jones asked for clarification on who pays the fee if a waiver for small businesses is adopted.

Mr. Jacobs stated that a waiver should be put in place for small business owners who are compliant and fines should be increased for those in violation.

Mr. Welper stated that the \$50 charge is simply to cover the cost of the inspection and has nothing to do with compliance or non-compliance.

#### ORDINANCES

145978 - Morrissey/Welper

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 definition", be considered and passed for the third time and adopted. Roll call vote-Ayes: Four. Nays: Three (Lind, Schmitt, Jacobs). Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 5347.

#### ORAL PRESENTATIONS

Jim Chapman, 224 Bertch, questioned if there are job descriptions for current employees.

Beverly Cosby, 315 Wendell Court, expressed concern with the safety of her neighborhood and her desire to see it cleaned up.

Bill Kammeyer, 526 Home Park Blvd., spoke on the definition of the word community.

Randy Herrod, 111 Highland Blvd., expressed his desire to incorporate Lou Henry Hoover into the city's Arbor Day promotions.

Bruce Kaesser, 500 Sycamore St., suggested that those opposed to the youth programs take the time to get involved and help ensure their success.

David Dryer, 3145 W. 4<sup>th</sup> Street, expressed disapproval with the hours change at the yard waste disposal site. He asked for an explanation of the change and suggested remaining open later in the day.

Mark Rice, Public Works Director, explained that the change was in an attempt to save money and still open weekdays for 12 hours per day.

Mr. Jones announced that he has accepted a position with Mayo Clinic which would not allow him to fulfill his duties as Ward 1 councilman and, therefore, will be resigning.

Mr. Morrissey thanked Mr. Jones for his thoughtful, intelligent service to the city and wished luck to him and his family.

Mayor Hart presented Mr. Jones with a certificate and plaque in appreciation for his service and the work he has done for our city. He also thanked him personally and offered blessings to his family.

145979 - Welper/Morrissey

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

ADJOURNMENT

145980 - Welper/Morrissey

that the Council adjourn at 7:04 p.m. Voice vote-Ayes: Seven. Motion carried.

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Suzy Schares, CMC  
City Clerk/Human Resource Director