

May 2, 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, May 2, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Lind, Schmitt, and Welper. Absent: Amos.

Prayer or Moment of Silence led by Justin Scott, Cedar Valley Atheists.

Pledge of Allegiance: Quentin Hart, Mayor.

145981 - Welper/Schmitt

that the Agenda, as amended by tabling item #14 postponing the call for a special election, for the Regular Session on Monday, May 2, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Five. Motion carried.

Mr. Schmitt stated that he has numerous questions regarding this special election and questioned the best timing to ask them.

Suzy Schares, City Clerk, explained that the request for delay stems from the desire to get a legal opinion regarding the actual date of the special election. She added that any questions that council might have could be forwarded to her and she will gather the information they are seeking before this item is brought back before council.

145982 - Welper/Schmitt

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

Mayor Hart read a Proclamation declaring May 1-8, 2016 as Days of Remembrance.

Mayor Hart read a Proclamation declaring May 2016 as Bicycle Month.

Mayor Hart read a Proclamation declaring May 5, 2016 as Day of Reason.

Mayor Hart read a Proclamation declaring May 1-7, 2016 as Municipal Clerks Week.

Mayor Hart recognized Darin Rulapaugh as the May 2016 Team Member of the Month.

Presentation of Commendation to Jacob Daniel Colbert.

CONSENT AGENDA

145983 - 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 May 2, 2016, in the amount of \$2,955,251.80, 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. 2016-315.

- 2. Resolution approving abatement of mowing and weeds assessment for parcel number 8913-24-257-016, generally located next to 122 North Barclay Street, in the amount of \$197.50.

Resolution adopted and upon approval by Mayor assigned No. 2016-316.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Sgt. Farmer	Risk Management & Civil Liability for Police K-9	Brooklyn Park, MN	May 17-18, 2016	\$418.00
b.	Nick Anderson	Pediatric Advanced Life	Iowa City, IA	May 25-26, 2016	\$250.00

	Support (PALS)			
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2.	Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Casey's General Store #2880, 1604 LaPorte Road	B Native Wine, C Beer	Renewal	4/18/2017	X
b.	WCA Building & Amphitheatre, 225 Commercial Street (5 Day License Adding Liquor)	C Liquor w/Outdoor Service	New	05/10/2016	
c.	Dollar General Store #10073, 3815 University Avenue (Ownership Update)	C Beer	New	02/28/2017	
d.	Dollar General Store #4698, 2935 Logan Avenue (Ownership Update)	C Beer	New	02/28/2017	
e.	Sunnyside Country Club, 1600 Olympic Drive (Ownership Update)	A Liquor	New	04/13/2017	
f.	Basal Wood Fired Pizza, 225 W. 4th Street	C Liquor w/Outdoor Service	New	04/30/2017	
g.	Gates Park Golf Course, 820 E. Donald Street	C Liquor w/Outdoor Service	Renewal	05/10/2017	X
h.	Legends Sports Grill, 118 Commercial Street (New Outdoor Service Area)	C Liquor w/Outdoor Service	New	01/21/2017	

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

Appointee	Board/Commission	Expiration Date	New or Re-Appointment
Leah Morrison	Planning, Programming & Zoning Commission	05/16/2019	Re-Appointment
Tavis Hall	Planning, Programming & Zoning Commission	05/16/2019	Re-Appointment
Luke Jenson	Historic Preservation Commission	05/02/2019	New
Gina Jordan-Burg	Design Review Board	05/02/2019	New
Craig Holdiman	Planning, Programming & Zoning Commission	05/16/2019	New

4. Cigarette/Tobacco Permit New Application for Eagle Petroleum Corp DBA Speedy Mart, 926 Linn St.
5. Application for Vehicle for Hire Business License for First Call Taxi & Courier Service, 400 W. Main Street, La Porte City.
6. Application for Vehicle for Hire Business License for Dolly's Taxi LLC, PO BOX 128, Cedar Falls.
7. Application for Vehicle for Hire Business License for City Cab, 1211 N. Barclay Street, Waterloo.
8. Application for Vehicle for Hire Business License for CJ's Courtesy Cab, 7920 Zaneta Rd., Hudson.
9. Application for Vehicle for Hire Business License for The Loop, 121 Webster St, Waterloo.
10. Bonds

Roll call vote-Ayes: Five. Motion carried.

Mr. Lind questioned, with regard to item 2.b., if the Riverloop held the liquor license for this.

Suzy Schares, City Clerk, explained that this is a special event requiring a 5 day license for the event only.

Mr. Morrissey asked for clarification of items 1.b.2.c. and 1.2.d.

Suzy Schares, City Clerk, explained that these are ownership changes only and, with these changes, a new vote must be taken by council.

Mayor Hart recognized the new appointees to various boards/commissions.

PUBLIC HEARINGS

145984 - Schmitt/Welper

that proof of publication of notice of public hearing on the 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, as published in the Waterloo Courier on April 22, 2016, be received and placed on file. Voice vote-Ayes: Five. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

145985 - Schmitt/Welper

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: Five. Motion carried.

145986 - Schmitt/Welper

that "an Ordinance approving a request by Claassen Engineering on behalf of Realty income Corporation, for a site plan amendment to allow off-premise signage to be located at 2825 Crossroads Boulevard, to construct a new restaurant and coffee shop", be received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Five.

145987 - Morrissey/Schmitt

that proof of publication of notice of public hearing on the 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, as published in the Waterloo Courier on April 22, 2016, be received and placed on file. Voice vote-Ayes: Five. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

145988 - Morrissey/Schmitt

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: Five. Motion carried.

145989 - Morrissey/Schmitt

that "an Ordinance amendment to 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 Site Plan Amendment on certain property", be received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Four. Nays: One (Morrissey).

Mr. Morrissey spoke in opposition to the sign due to it being cluttered in the area.

RESOLUTIONS

145990 - Schmitt/Morrissey

that "Resolution approving an amendment to the fuel agreement between the City of Waterloo, Black Hawk County, Waterloo Community Schools and Metropolitan Transit Authority increasing the surcharge from \$.04 to \$.05 per gallon effective July 1, 2016 to help offset increased maintenance costs associated with the City Fuel Distribution site and authorize Mayor and City Clerk to execute said document", be adopted. Roll call vote-Ayes: Five.

Resolution adopted and upon approval by Mayor assigned No. 2016-317.

145991 - Schmitt/Morrissey

that "Resolution approving Convention & Visitors Bureau (CVB) Board recommendations for funding two mini-grants: 2016 My Waterloo Days for the Gus Macker 3-on-3 basketball tournament (\$2,203) and Waterhawks Ski Team request for new safety docks (\$2,200)", be adopted. Roll call vote-Ayes: Five.

Resolution adopted and upon approval by Mayor assigned No. 2016-318.

145992 - Schmitt/Morrissey

that "Resolution approving Memorandum of Understanding with INRCOG, in an amount up to \$2,000 if the grant is awarded, for grant writing services related to a Land and Water Conservation (LWCF) Outdoor Recreation Legacy Partnership Grant (ORLP) Program Grant to be used for the Cedar River Whitewater and Habitat Improvements Project", be adopted. Roll call vote-Ayes: Three. Nays: One (Lind). Abstain: One (Schmitt). Motion failed.

Mr. Lind questioned if City funds will be used to match the grants and what the business plan is.

Paul Huting, Leisure Services Director, explained that the thought process is to leverage other grants to make the match for the grants and explained the details of the costs related to this item.

Kevin Blanchard, INRCOG, explained that this is an unusual opportunity and Iowa will pick two projects within the state to move to the National Park Service for a chance to be chosen. If the grant is not funded, there is no charge to the City for grant writing.

Mr. Schmitt questioned the level of competition for these grants.

Mr. Blanchard said there are 9 cities who, based on population, could qualify to participate in this application process; however, there are too many variables to determine the number of applicants there will be for this grant money.

Mr. Morrissey clarified the amount of the grant would be up to \$750,000.00.

Kevin Blanchard provided details for the timing of the grant application and funding agreement process. He added that the National Park Service would be looking for shovel-ready projects and stressed the need for timeliness.

Mr. Jacobs asked what sources would be used for the city's matched funding.

Paul Huting stated that they would be looking for other available grant money that could be directed toward this project in order to fund the city's portion and the goal is that no city money would actually go toward this project.

Mr. Schmitt clarified that the match does not have to be taxpayer money.

Suzy Schares, City Clerk, reiterated that council will get the opportunity to review this again once the funding is granted before the city would be committed to it.

Mr. Schmitt stated that he is abstaining from the vote because the building he owns is right on the river and this may present a conflict of interest.

Mr. Morrissey requested a time of discussion and request for reconsideration on this item.

Mayor Hart asked if there were any legal reasons that Mr. Schmitt should abstain in this matter.

Dave Zellhoefer, City Attorney, stated that, while a conflict could be perceived as such by some, there is not legal reason for Mr. Schmitt to abstain.

Mr. Welper suggested waiting for Mr. Amos to return and bring this back before council next week.

Kevin Blanchard stated that the grant application is due in Des Moines on Tuesday, May 10.

Mayor Hart clarified that if council voted for this item and the funding was not approved there would be no cost to the city related to it and, even if funding is approved, then the \$750,000.00 of matching funds can come from multiple of

sources other than the taxpayer dollar. Even after funding is established, there would still be opportunity to deny the project.

Paul Huting, Leisure Services, affirmed Mayor Hart's statements and added that there are still several things that need to happen before this project is fully approved. There is a contract that has to come before the City Council for approval before the Mayor would be allowed to sign it.

Mr. Welper questioned, due to the urgency of this item, if a vote could be held tomorrow electronically including Mr. Amos in this process.

Suzy Schares, City Clerk, stated that 24 hour public notice needed to be made before a vote could be held.

Mr. Morrissey asked if Mr. Schmitt or Mr. Lind would consider allowing this to be reconsidered.

Mr. Lind stated that he would not reconsider.

Mr. Schmitt agreed to a second if Mr. Amos would make a motion to bring this item back before council.

Mr. Blanchard asked for clarification.

Mayor Hart stated that contact would be made with him following an electronic council meeting tomorrow to let him know what direction council would be going on this item.

145993 - Schmitt/Morrissey

that "Resolution approving application to the Iowa Department of Natural Resources to seek Land and Water Conservation Fund financial assistance from the National Park Service, in an amount up to \$750,000, in conjunction with the Cedar River Whitewater and Habitat Improvements Project", be adopted. Roll call vote-Ayes: Three. Nays: One (Lind). Abstain: One (Schmitt). Motion failed.

145994 - Welper/Morrissey

that "Resolution approving award of contract to B & B Builders and Supply, of Waterloo, Iowa in the amount of \$315,365.83; and approving the bonds and Certificate of Insurance for the F.Y. 2016 Sidewalk Repair Program - Zone 6, Contract No. 902; and authorize Mayor and City Clerk to execute said documents", be adopted. Roll call vote-Ayes: Five.

Resolution adopted and upon approval by Mayor assigned No. 2016-319.

145995 - Welper/Morrissey

that "Resolution approving Supplemental Agreement No. 2 with Synder & Associates, Inc. of Ankeny, Iowa, in the maximum amount payable of \$59,800.00 for additional services by the contractor after the completion deadline for the F.Y. 2014 Stormwater Lift Stations (Hollywood, Cedar Bend, Fletcher), Contract No. 836, and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Five.

David Dryer, 3145 W. 4th Street, asked how the city would recoup this money.

Eric Thorson, City Engineer, explained that the City will recoup the costs from liquidated damages.

Resolution adopted and upon approval by Mayor assigned No. 2016-320.

145996 - Welper/Morrissey

that "Resolution approving a permanent and temporary easement agreement with Realty Income Corporation in order to allow for the future construction of sidewalks along property located at 2825 Crossroads Blvd.", be adopted. Roll call vote-Ayes: Five.

Resolution adopted and upon approval by Mayor assigned No. 2016-321.

145997 - Morrissey/Welper

that "Resolution approving Supplemental Agreement No. 6 with Ament, Inc. of Cedar Rapids, Iowa, in the maximum amount payable of \$65,913.00 for additional services for the F.Y. 2014 Kimball Avenue Transportation Improvements, Contract No. 843, and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Five.

Mr. Jacobs asked for an update on the project.

Eric Thorson, City Engineer, explained that final grading and seeding is being completed but the project is almost complete and will be completed soon.

David Dryer, 3145 W. 4th Street, asked for clarification of the expenses associated with these additional services.

Eric Thorson, City Engineer, explained that the federal projects and the contingency amount were included in the contract.

Amy Cass, 625 Magnolia Pkwy, questioned if there is any contractual liability from which we should be recouping some of the losses in cases like this.

Mayor Hart clarified the differences between these items.

Mr. Lind asked for clarification that the amount stated was included in the original contract to be used should it become necessary.

Eric Thorson, City Engineer, stated that this was a part of the consultants contract and wasn't actually a part of the bid.

Resolution adopted and upon approval by Mayor assigned No. 2016-322.

145998 - Morrissey/Welper

that "Resolution approving Addendum to Agreement No. 2016-6-105 with Iowa Department of Transportation for primary road improvements in conjunction with 2016 Highway 218 Asphalt Resurfacing Project (from Mitchell Avenue to 18th St./Williston Avenue); and authorize Mayor and City Clerk to execute said document", be adopted. Roll call vote-Ayes: Five.

Resolution adopted and upon approval by Mayor assigned No. 2016-323.

145999 - Morrissey/Welper

that "Resolution approving Design Agreement with AECOM Technical Services, Inc. for an amount not to exceed \$85,500.00 in conjunction with the FY 2017 Phase III CIPP Lining and Remedial Actions Project; and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Five.

Resolution adopted and upon approval by Mayor assigned No. 2016-324.

ORAL PRESENTATIONS

Jim Chapman, 224 Bertch, asked for job descriptions for all employees and department heads.

Suzy Schares, City Clerk, explained that they are in the process of scanning all of the job descriptions and they will eventually be made available online to the public. She added that there are 750 employees and it is a very time-consuming task that is being completed as quickly as possible.

Bill Kammeyer, 526 Home Park Blvd., stated that the outcome of the financing for the whitewater project would be the test to see if the council is true to their promise of spending no taxpayer money on it.

Cammie Skully, 605 Riverside Dr., asked for Council support to fill the Waterloo Center for the Arts vacant positions.

Marilyn Dekoster, 215 Lillian Lane, asked for Council support to fill the Waterloo Center for the Arts vacant positions.

Diane Phelps, 1553 East Donald Street, asked for Council support to fill the Waterloo Center for the Arts vacant positions.

Marcella Gruver, 203 Miriam Drive, spoke against having an atheist give the invocation during Council.

Mayor Hart explained his desire to uphold the constitutional rights of every belief system within our community and the practice of allowing members of the community to participate in these municipal proceedings will continue.

Bruce W. Kaesser, 500 Sycamore Street, spoke in support of the practice of allowing all members of our community to participate in the invocation portion of the council meetings.

Carolyn Carpenter, 1828 Loraine, asked for Council support to fill the Waterloo Center for the Arts vacant positions.

Esther McGuire, 2737 W. 4th Street, asked for Council support to fill the Waterloo Center for the Arts vacant positions.

John Robertson, Development Director Waterloo Community Playhouse, asked for Council support to fill the Waterloo Center for the Arts vacant positions.

Ted Lederman, 1758 Pinehurst Lane, spoke about fiscal responsibility.

Gail Quirk, 245 Alta Vista, asked for Council support to fill the Waterloo Center for the Arts vacant positions.

David Dryer, 3145 W. 4th Street, asked for clarification of the proposed \$17,000.00 savings to the general fund in relation to the transfer of a city planner to economic development.

Mayor Hart clarified the details of the savings and the reasons for the restructure.

Lisa McCluran, Grundy Center, asked for Council support to fill the Waterloo Center for the Arts vacant positions.

John Sherbon, 1715 Robin Road, spoke in support of the council and the work they do and support of hiring and retaining good people.

Mr. Jacobs spoke in support of looking into the use of grants for the Whitewater course. He questioned the dissatisfaction of the fixed based operator at the Airport.

Mr. Welper clarified that one of the three members of the prevailing side would have to make a motion during this meeting to reconsider the filling of the Center for the Arts vacancy. He then proceeded to ask that one of those members bring the item back.

146000 - Welper/Morrissey

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

ADJOURNMENT

146001 - Welper/Morrissey

that the Council adjourn at 7:10 p.m. Voice vote-Ayes: Five. Motion carried.

Suzy Schares, CMC
City Clerk/Human Resource Director