

May 9, 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 9, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Lind, Amos, Schmitt, and Welper.

Prayer or Moment of Silence.

Pledge of Allegiance: Ron Welper, Ward 5 Council Member

146005 - Welper/Schmitt

that the Agenda, as amended by deleting item 9, for the Regular Session on Monday, May 9, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Motion carried.

146006 - Welper/Schmitt

that the Minutes, as proposed, for the Regular Session on Monday, May 2, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Motion carried.

146007 - Welper/Schmitt

that the Minutes, as proposed, for the Special Session on Thursday, May 5, 2016, at 9:00 a.m., be accepted and approved. Voice vote-Ayes: Six. Motion carried.

Mayor Hart read a Proclamation declaring May 14, 2016, as Letter Carriers' Food Drive Day.

Mayor Hart recognized Susan Pearson for 30 Years of Service.

CONSENT AGENDA

146008 - 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 9, 2016, in the amount of \$1,159,381.57, 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. 2016-325.

- 2. Resolution setting date of public hearing as May 23, 2016 for an Exchange Agreement and Assignment of Real Estate Contract between the City of Waterloo and L and H Farms, Ltd for the acquisition of property in Black Hawk County for exchange of property in the San Marnan TIF District in the amount of \$338,625 for 10.16 acres, and direct City Clerk to publish said notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-326.

- 3. Resolution approving request for authorization to publish 2015 salaries for city employees and officials, as required by law.

Resolution adopted and upon approval by Mayor assigned No. 2016-327.

- 4. Resolution setting date of hearing as May 23, 2016 for an amendment to the FYE2016 Budget; and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-328.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Inv. Savage; Sgt. Ludwig; P.O. Frein; P.O. Roberts	Midwest Gang Investigators Association Conference (MGIA)	Dubuque, IA	May 15-18, 2016	\$800.00
b.	Sgt. Greenlee &	Precision Driving	Newton, IA	June 16,	\$330.00

	Sgt. Ludwig	Instructor Re-certification School		2016	
c.	Mayor Hart & Michelle Weidner, CFO	Meet with Moody's Investor Services	Chicago, IL	May 19-20, 2016	\$1,020.00
d.	Michelle Weidner, CFO	Iowa Governmental Roundtable	Des Moines, IA	May 17, 2016	\$320.00

2.	Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	HyVee Food & Drug Store #4, 4000 University Avenue	E Liquor / B Wine / C Beer	Renewal	03/15/2017	X
b.	Dollar General Store #7136, 66 E. Tower Park Drive	C Beer / B Wine	Renewal	02/28/2017	X
c.	Godfather's Pizza, 3811 University Avenue	B Beer	Renewal	03/30/2017	X

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

Appointee	Board/Commission	Expiration Date	New or Re-Appointment
Susan Price	Historic Preservation Commission	01/28/2019	Re-Appointment

4. Recommendation of appointments of Timothy Andera and Adrienne Miller to the position of Planner II in the Planning & Zoning Department effective May 10, 2016.
5. to approve Application for Fireworks Display at Waterloo Bucks home games, Riverfront Stadium, 8500 Park Rd, on May 31; June 3, 8, 18; July 1, 4, 15, 16, 23, 29; and August 5, 13, 2016, lasting 5-10 minutes after ball the ball game ends.
6. to approve Application for Fireworks Display for The VGM Group for the VGM Heartland Conference 2016, at Park Avenue Bridge, on Monday, June 13, 2016, at 9:30 p.m. (Approx. 30 minutes).

Roll call vote-Ayes: Six. (Except item 1.b.4) Motion carried.

Item 1.b.4.

Roll call vote-Ayes: Four. Nays: Two (Lind, Schmitt) Motion carried.

PUBLIC HEARINGS

Hawkeye Lift Station Wet Well Rehabilitation Project, Contract No. 911. - Hearing cancelled due to lack of bids.

146009 - Morrissey/Welper

that proof of publication of notice of public hearing on the F.Y. 2016 4th Street Bridge Canopy Repairs, Contract No. 910, as published in the Waterloo Courier on April 22, 2016, be received and placed on file. Voice vote-Ayes: Six. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral objections.

David Dryer, 3145 W. 4 Street, questioned if this is approval of the bid.

Mayor Hart clarified that it is not.

146010 - Morrissey/Welper

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

146011 - Morrissey/Welper

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with the F.Y. 2016 4th Street Bridge Canopy Repairs,

Contract No. 910", be adopted. Roll-call vote-Ayes: Four. Nays: Two. (Lind, Schmitt). Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-329.

Mr. Schmitt asked for clarification of the estimated costs for this project as it compares to the amount of the bid.

Eric Thorson, City Engineer, explained that the total project was \$1.5 million and the original engineer's estimate was a little over \$1.2 million. He explained that the bid came in at \$2.5 million; he expects that the bid will be rejected as the city cannot afford this bid price and then they will begin the process of reviewing the project to find other alternatives.

146012 - Morrissey/Welper

that "Resolution authorizing to proceed in conjunction with the F.Y. 2016 4th Street Bridge Canopy Repairs, Contract No. 910", be adopted. Roll-call vote-Ayes: Four. Nays: Two (Lind, Schmitt). Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-330.

146013 - Morrissey/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
Peterson Contractors Inc.	5%	\$2,574,337.00

Voice vote-Ayes: Six. Motion carried.

RESOLUTIONS

146014 - Schmitt/Amos

that "Resolution approving Notice of Intent for NPDES coverage under general permit to the Iowa Department of Natural Resources for FY2016 Sherwood Recreational Area Phase II Improvements and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Six.

Resolution adopted and upon approval by Mayor assigned No. 2016-331.

146015 - Schmitt/Amos

that "Resolution approving acceptance of a grant from Black Hawk Gaming Association in the amount of \$48,000 and a grant from Community Foundation of Northeast Iowa in the amount of \$15,775 for creation of a Playscape interactive play structure at the Phelps youth Pavilion", be adopted. Roll call vote-Ayes: Six.

Resolution adopted and upon approval by Mayor assigned No. 2016-332.

146016 - Lind/Welper

that "Resolution adopting City of Waterloo Employee Wellness Plan", be adopted. Roll call vote-Ayes: Six.

Resolution adopted and upon approval by Mayor assigned No. 2016-333.

146017 - Lind/Welper

that "Resolution to approve Unity Point Health - Allen Hospital in an amount not to exceed \$14,500 for City of Waterloo Employee EAP Program", be adopted. Roll call vote-Ayes: Six.

Resolution adopted and upon approval by Mayor assigned No. 2016-334.

ORDINANCES

146018 - 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 second time. Roll call vote-Ayes: Six. Motion carried.

146019 - Schmitt/Welper

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

146020 - Schmitt/Welper

that "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 considered and passed for the third time and adopted. Roll call vote-Ayes: Six.

Ordinance adopted and upon approval by Mayor assigned No. 5348.

OTHER COUNCIL BUSINESS

146021 - Welper/Morrissey

that the Exception to Burning Yard Waste Application by Hoover Middle School - Waterloo Community Schools, to burn native forbs and native prairie grasses on 1/2 acre along 630 Hillcrest Road between April 18, 2016 and May 30, 2016 between the hours of 8:00 a.m. and 10:00 a.m., be received, placed on file and approved. Voice vote-Ayes: Six. Motion carried.

Dan Trelka, Director of Safety Services, explained that this has been approved by the DNR.

146022 - Welper/Morrissey

that Change Order 1 in the amount of \$4,400.00 to Lodge Construction of Clarksville, Iowa, in conjunction with the Sherwood Recreation Area, Phase 2 Improvements, be received, placed on file and approved. Voice vote-Ayes: Six. Motion carried.

Paul Huting, Leisure Services Director, explained that it has been discovered that there were several large trees that were a threat to the public and were removed. The project is still within budget.

146023 - Amos/Schmitt

that the 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 reconsidered. Voice vote-Ayes: Four. Nays: Two (Lind, Jacobs). Motion carried.

Mr. Schmitt explained that his second was simply for the purpose of allowing further discussion of this item.

Jim Chapman, 224 Bertch, explained that he received an email objecting to this item.

Bill Kammeyer, 526 Home Park Blvd., spoke in opposition to the project.

Randy Herod, 111 Highland Blvd., stated that he believed that council's reconsideration of this item may cause legal trouble for the city.

Dave Zellhoefer, City Attorney, explained that an abstention is a no vote and puts them on the prevailing side.

Steve Murphy, 124 Terrace Drive, expressed concern over the actual costs ultimately to the city for this project.

Mayor Hart stated that he has made no direct statement regarding funding for this project because the city is in the process of trying to find the money to fund it through every means they can without impacting taxpayers. He continued to say that this city will move forward in this manner with the goal of the betterment of our community.

Mr. Morrissey stated that he believes that the City of Waterloo wants and needs to move forward and this city wants and needs to grow. He went on to say that combining these types of wants and needs will not only cause growth of our community, but will make the City of Waterloo a destination spot.

146024 - Amos/Schmitt

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 received, placed on file, and approved. Voice vote-Ayes: Three. Nays: Three (Jacobs, Lind). Abstain: One (Schmitt). Motion failed.

Paul Huting, Leisure Services Director, read the questions submitted email received from Mr. Daniel Pawlak and offered answers to those questions.

Suzy Schares, City Clerk, stated that our currently liability insurance would cover this type of project.

Paul Huting explained that the dam, post construction, would be considerably safer than it is currently. The area commonly referred to as the drowning pool would be eliminated with this construction.

Mr. Morrissey expressed his belief that Mr. Schmitt should be required to vote and that his reason for abstention is invalid.

Dave Zellhoefer, City Attorney, stated that Mr. Schmitt has the right to abstain and cannot be forced to vote.

Mr. Schmitt stated that he will be abstaining based on the fact that his building is located on the shores of the path of this project and, due to the fact that his property is a prime location, he could stand to profit greatly from this project and these are the reasons for his abstention.

Mr. Welper stated that, because Mr. Jacobs changed his vote from last week, this item is dead.

Mr. Morrissey asked for an explanation of the reason Mr. Jacobs changed his vote from last week.

Mr. Jacobs stated that he talked to a lot of people this past week and believes this to be a want not a need and that is the reason for his no vote.

146025 - Welper/Lind

to remove items 14 and 15 from the agenda (reconsidering 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, on Monday, May 9, 2016 at the Regular City Council meeting and the vote on the item). Voice vote - Ayes: Four. Nays: Two (Morrissey, Amos). Motion carried.

#### ORAL PRESENTATIONS

Forest Dillavou, 1725 Huntington Road, asked that Ward 1 be filled by appointment.

David Dryer, 3145 W. 4<sup>th</sup> Street, questioned how the rules of the oral presentation portion of the meeting work.

Bill Kammeyer, 526 Home Park Blvd., offered his name for filling Ward 1 council seat.

Mr. Schmitt asked what the timeframe is for filling the Ward 1 council seat.

Suzy Schares, City Clerk, stated that they are waiting on confirmation of all of the legal requirements for filling this seat.

Mr. Amos stated that the reason for his absence last week was due to two heart attacks. He encouraged citizens to call 911 and not wait if they are experiencing chest pains.

Mr. Jacobs stated that he takes filling positions with the city very seriously and has spent time with Director Kent Shankle to learn more about the vacancy at the Cultural Arts Center; he stated that he is confident that the city will be filling this position.

146026 - Welper/Schmitt

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

ADJOURNMENT

146027 - Welper/Schmitt

that the Council adjourn at 6:32 p.m. Voice vote-Ayes: Six. Motion carried.

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Suzy Schares, CMC  
City Clerk/Human Resource Director