

May 16, 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 16, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Lind, Amos, Schmitt, and Welper.

Prayer or Moment of Silence.

Pledge of Allegiance: Tom Lind, Council Member At Large.

146028 - Welper/Schmitt

that the Agenda, as amended by adding the liquor license for Main Street Waterloo, for the Regular Session on Monday, May 16, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Motion carried.

146029 - Welper/Schmitt

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

Mayor Hart read a Proclamation declaring May 15 - 21, 2016 as National Police Week and May 18, 2016 as Peace Officer's Memorial Day.

Mayor Hart read a Proclamation declaring May 15 - 21, 2016 as Emergency Medical Services Week.

Mayor Hart read a Proclamation declaring May 2016 as Quota 90th Anniversary Month.

CONSENT AGENDA

146030 - 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 16, 2016, in the amount of \$3,135,314.95, 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. 2016-335.

2. Resolution approving request from 105.7 KOKZ to hold its 35th Annual 4th Street Cruise on Saturday, May 28, 2016 from Noon until 4:00 p.m. in the downtown area.

Resolution adopted and upon approval by Mayor assigned No. 2016-336.

3. Resolution approving request from the Cedar Valley Irish Cultural Association to hold its 10th Annual Iowa Irish Fest on August 5th, 6th and 7th, in Lincoln Park and surrounding streets, including a 5K on August 6, 2016 from 6:30 a.m. to 10:30 a.m.

Resolution adopted and upon approval by Mayor assigned No. 2016-337.

4. Resolution approving request of Cody Winther on behalf of Full House Productions dba Spicolis for a variance to the Noise Ordinance on May 26, 27 and 28, 2016 from 6:00 p.m. to 10:00 p.m. in conjunction with the Cornstock event to be held at the outside beer garden located at 3555 University Avenue, including a live band and the use of a PA system.

Resolution adopted and upon approval by Mayor assigned No. 2016-338.

5. Resolution approving request by Chad Shipman for a variance to the Noise Ordinance on Friday, August 5, 2016 through Sunday, August 7, 2016 in conjunction with Iowa Irish Fest events that will be held in and around Lincoln Park, east side of downtown, including live bands and PA system, together with recommendation of approval of Director of Safety Services.

Resolution adopted and upon approval by Mayor assigned No. 2016-339.

6. Resolution preliminarily approving specifications, bid documents, etc., and setting date of bid opening as June 2, 2016 and the date of public hearing as June 6, 2016 for the Wireless Communication Services, and instruct City Clerk to publish notice of said hearing.

Resolution adopted and upon approval by Mayor assigned No. 2016-340.

7. Resolution preliminarily approving plans, specifications, bid documents, etc., and setting date of public hearing as June 6, 2016 and date of bid opening as June 2, 2016 for the purchase of network servers, storage access network equipment, and installation services for the Police Department and instruct the City Clerk to publish said notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-341.

8. Resolution approving preliminary plans, specifications, and form of contract, etc. and setting date of bid opening as June 2, 2016 and date of public hearing as June 6,2016 in conjunction with the F.Y. 2016 W. 2nd, Cedar, and W. 3rd Streets Improvements Contract No. 912 , and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-342.

9. Resolution approving from Cedar Bend Humane Society for a waiver for an asphalt driveway with the elimination of the sidewalk section, located at 1136 W. Airline Highway.

Resolution adopted and upon approval by Mayor assigned No. 2016-343.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Scott Strader, Combination Inspector II	Plumbing Plans Examiner	Coralville, IA	May 23, 24, June 1, 2, 7 or 9, 2016	\$199.00
b.	Jeff Siebel, Property Safety Inspector	Series 8 hr Plumbing Update	Cedar Falls, IA	August 12, 2016	\$239.00
c.	Travis Ihnen, Fire Rescue	PALS - Advanced Life Support	Iowa City, IA	August 25, 2016	\$252.00
d.	Abraham Funchess, Jr., Executive Director; Rebecca Johnson, HR Specialist; Shelly Burch, Adm Secretary	2016 EEOC/FEPA National Training Conference	New Orleans, LA	July 11-15, 2016	\$5,240.00

2.	Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Waterloo Softball Association, 1139 Josephine Street	B Beer w/Outdoor Service	Renewal	04/16/2017	X
b.	Waterloo Bucks, 850 Park Road	B Beer w/Outdoor Service	Renewal	11/01/2016	X
c.	Golden China Restaurant, 106 Brookridge Drive	C Liquor	Renewal	05/04/2017	X
d.	Ray's Supermarket, 1975 Franklin Street	B Wine / C Beer / E Liquor	Renewal	03/02/2017	X
e.	Dollar General Store #7136, 66 E. Tower Park Drive (Ownership Update)	C Beer	New	02/28/2017	X
f.	Main Street Waterloo Lincoln Park	Special Class C Liquor (BW) (Beer/Wine) /Outdoor Service	New	11/19/2016	

3. Bonds

Mr. Lind questioned need for all Human Rights Staff to attend the EEOC/FEPA National Training Conference and the expense of the entire budget in one trip.

Michelle Weidner, Chief Financial Officer, affirmed that the entire amount budgeted for travel is being expended on this trip. She also stated that this is mandatory training for the Human Rights Staff.

Roll call vote-Ayes: Six. Motion carried.

PUBLIC HEARINGS

146031 - Schmitt/Welper

that proof of publication of notice of public hearing on FY 2017 Sidewalk Inspection and Repair Program - Zone 6, as published in the Waterloo Courier on April 28, 2016 and May 5, 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. Written comments are on file in the Clerk's Office.

Jeanette Francis, 1015 Bertch Ave., spoke in opposition to the sidewalk repairs being requested for her property.

Jason Van Clark, 1656 Cornwall Ave., thanked the Council for caring about the sidewalks and questioned the need for repairing the sidewalk on his property due to no other houses having sidewalks.

Nancy Hammond, 1343 Forest Ave., expressed concern with the request to repair her sidewalk.

Bruce W. Kaesser, 500 Sycamore Street, requested the ability to review the sidewalks in question.

Jerro Reyos, 1820 Forest Ave., expressed concern with the sidewalk repair program.

Eric Thorson, City Engineer, explained the options available and the procedures involved in the sidewalk repair program.

Suzy Schares, City Clerk, explained the assessment process and repayment options for the cost of repairs.

146032 - Schmitt/Welper

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

146033 - Schmitt/Welper

that "Resolution authorizing proposed repairs to sidewalk", be adopted. Roll-call vote-Ayes: Six. Motion carried.

Mr. Lind questioned if the Council has the authority to grant waivers if the sidewalk repair is unnecessary.

Eric Thorson, City Engineer, there is legal liability to both the homeowner and the city if there is a loss or injury due to sidewalk disrepair.

Resolution adopted and upon approval by Mayor assigned No. 2016-344.

146034 - Schmitt/Welper

that "Resolution adopting Proposed Resolution of Necessity, as proposed or amended", be adopted. Roll-call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-345.

146035 - Lind/Schmitt

to reopen public hearing in conjunction with the approval of 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. Voice vote-Ayes: Six. Motion carried.

146036 - Lind/Schmitt

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

146037 - Lind/Schmitt

that "Resolution authorizing sale and conveyance of a portion of Lot 3 of Black 16 of Hayes Addition and a portion of alley to be vacated to 3 Little Lambs, LLC for \$1.00 in accordance with the First Amendment to Development Agreement and authorizing the Mayor and City Clerk to execute necessary documents", be adopted. Roll-call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-346.

146038 - Welper/Schmitt

that proof of publication of notice of public hearing on the F.Y. 2016 Storm Sewer Improvements, Contract No. 906, as published in the Waterloo Courier on May 2, 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 and there were none.

146039 - Welper/Schmitt

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

146040 - Welper/Schmitt

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with the F.Y. 2016 Storm Sewer Improvements, Contract No. 906", be adopted. Roll-call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-347.

146041 - Welper/Schmitt

that "Resolution authorizing to proceed in conjunction with the F.Y. 2016 Storm Sewer Improvements, Contract No. 906", be adopted. Roll-call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-348.

146042 - Welper/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
Vieth Construction Corp. Cedar Falls, IA	5%	\$169,152.95
Peterson Contractors Inc. Reinbeck, IA	5%	\$171,014.15

Voice vote-Ayes: Six. Motion carried.

146043 - Morrissey/Amos

To postpone the hearings for the following General Obligation bond hearings:

The hearing in conjunction with the General Obligation Bonds - ECP-1 - The issuance of not to exceed \$7,200,000 General Obligation Bonds for essential corporate purposes is postponed to May 23, 2016.

The hearing in conjunction with the General Obligation Bonds - GCP-2 - The issuance of not to exceed \$700,000 General Obligation Bonds for general corporate purposes is postponed to May 23, 2016.

The hearing in conjunction with the General Obligation Bonds - GCP-3 - The issuance of not to exceed \$700,000 General Obligation Bonds for general corporate purposes is postponed to May 23, 2016.

The hearing in conjunction with the General Obligation Bonds - GCP-4 - The issuance of not to exceed \$700,000 General Obligation Bonds for general corporate purposes is postponed to May 23, 2016.

The hearing in conjunction with the General Obligation Bonds - GCP-5 - The issuance of not to exceed \$700,000 General Obligation Bonds for general corporate purposes is postponed to May 23, 2016.

The hearing in conjunction with the General Obligation Bonds - ECP/UR-6 - The issuance of not to exceed \$1,000,000 General Obligation Urban Renewal Bonds for essential urban renewal corporate purposes is postponed to May 23, 2016.

Voice vote-Ayes: Six. Motion carried.

RESOLUTIONS

146044 - Lind/Schmitt

that "Resolution approving an extension of a moratorium for a period of eight (8) months, ending on January 31, 2017, on the issuance of a Special Permit or License for the establishment of any new recycling, junk or salvage yards", be adopted. Roll call vote-Ayes: Six.

Resolution adopted and upon approval by Mayor assigned No. 2016-349.

146045 - Lind/Schmitt

that "Resolution approving contract with Main Street Waterloo in the amount of \$2,233.00 for event activities at Byrnes Park for the 2016 My Waterloo Days Festival, and authorize Mayor and City Clerk to execute said agreement", be adopted. Roll call vote-Ayes: Six.

Paul Huting, Leisure Services Director, explained that this is the contract and fee for the closure of Byrnes Park for the 2016 My Waterloo Days Festival.

Resolution adopted and upon approval by Mayor assigned No. 2016-350.

146046 - Lind/Schmitt

that "Resolution approving Contract Agreement between U.S. Equal Employment Opportunity Commission and the City of Waterloo Human Rights Commission in the amount of \$50,000.00 for charge resolutions, intake services, FY2016 EEOC/FEPA Training and FY2016 FEPA Engagement Funding", be adopted. Roll call vote-Ayes: Six.

Resolution adopted and upon approval by Mayor assigned No. 2016-351.

146047 - Morrissey/Welper

to approve Change Order No. 5 for a net decrease of \$28,490.41, for the F.Y. 2014 Stormwater Lift Stations (Hollywood, Cedar Bend, Fletcher), Contract No. 836 and authorize the Mayor and City Clerk to execute said document. Roll call vote-Ayes: Six.

146048 - Morrissey/Welper

that "Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Ricklefs Excavating LTD, of Anamosa, Iowa, at a total cost of \$6,550,433.29, for the F.Y. 2014 Stormwater Lift Stations (Hollywood, Cedar Bend, Fletcher), Contract No. 836", be adopted. Roll call vote-Ayes: Six.

Resolution adopted and upon approval by Mayor assigned No. 2016-352.

146049 - Morrissey/Welper

that "Resolution rejecting the bid from Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of \$2,574,337.00, in conjunction with F.Y. 2016 4th Street Bridge Canopy Repairs, Contract No. 910", be adopted. Roll call vote-Ayes: Six.

Mr. Lind requested that different options for the bridge be explored.

Eric Thorson, City Engineer, explained that staff will be looking at all other options for repair or removal of the canopy.

Mr. Morrissey suggested piecing out the work rather than the entire project making it four projects.

Eric Thorson stated that there are many contingencies involved that would need to be examined before piecing out could be considered.

Mr. Schmitt asked if there were significant increases in the cost for this type of project due to DNR and EPA mandates.

Eric Thorson affirmed that there are mandates in place that could cause increased costs for this project.

Resolution adopted and upon approval by Mayor assigned No. 2016-353.

146050 - Schmitt/Amos

that "Resolution approving the Supplemental Development Agreement for Phase II of the former Grand Hotel site for the Grand Crossing multi-phased development, deeding the Phase II property and awarding the 20-year tax rebate schedule awarded for Phase I and authorize the Mayor and City Clerk to sign and fully execute all necessary documents", be adopted. Roll call vote-Ayes: Six.

Mr. Lind questioned if this is simply moving forward with what we agreed to when this project first started.

Noel Anderson, Community Planning and Development Director, affirmed that is exactly what is being done. The developer is moving ahead with Phase II and looking forward to Phase III of this project.

Resolution adopted and upon approval by Mayor assigned No. 2016-354.

146051 - Schmitt/Amos

that "Resolution approving Professional Service Agreement with AECOM Technical Services, of Waterloo, Iowa, in the amount estimated at \$318,000.00 for construction related services for the F.Y. 2017 Dry Run Creek Interceptor, Contract No. 877; and authorize Mayor and City Clerk to execute said documents", be adopted. Roll call vote-Ayes: Six.

Resolution adopted and upon approval by Mayor assigned No. 2016-355.

146052 - Schmitt/Amos

that "Resolution approving award of contract to Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of \$346,508.25, in conjunction with F.Y. 2016 Galactic Drive and Fitzway Drive Extensions, Contract No. 896", be adopted. Roll call vote-Ayes: Six.

Resolution adopted and upon approval by Mayor assigned No. 2016-356.

OTHER COUNCIL BUSINESS

146053 - Lind/Welper

to rescind the May 9, 2016 motion to approve the first reading of an Ordinance approving 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. Roll call vote-Ayes: Six. Motion carried.

Mr. Morrissey asked if this item was giving consideration to a previously defeated item.

Noel Anderson, Community Planning and Development Director, explained that previously, there were not enough council members present to defeat the motion so the company has asked to rescind the request for the purpose of allowing them to bring it back before a full council, affording them a fair opportunity to get all six votes.

Suzy Schares, City Clerk, explained that this motion has come by recommendation from the attorney due to the fact that the initial vote should not have taken place without enough council members present.

Mr. Lind clarified that with only 5 members present at the time, passing this item was not possible.

Mr. Morrissey questioned the timeframe in which this item would be presented before council again.

Suzy Schares stated that the return of this item would be at the discretion of Lamar Advertising.

Mr. Amos clarified that this item had already failed before the Planning & Zoning Commission and, as a result, it would require a super majority of Council votes to pass.

Mayor Hart affirmed that if this item would be presented a second time before the Planning & Zoning Commission and passed then a super majority would not be required from council.

ORAL PRESENTATIONS

Bill Kammeyer, 526 Home Park Blvd, suggested putting the names of the individuals involved in corporations when they are listed on the agenda.

David Dryer, 3145 W. 4th Street, asked if the budget for next year is being worked on.

Jerry Greer, 23 Lafayette Street, expressed concern with the Town Hall meeting held by Mr. Lind, Mr. Schmitt, and Mr. Jacobs.

Forest Dillavou, 1725 Huntington Road, noted that the Ansborough Ave. recycling area is being abused and is not being able to be maintained. The Citizens are abusing the recycle area.

Bruce W. Kaesser, 500 Sycamore Street, thanked Council for the opportunity to be heard.

John Sherbon, 1715 Robin Road, commended Council for having the Town Hall meeting.

Mr. Schmitt asked to have the council vacancy placed on the agenda for the purpose of discussing special election or possible interview and appointment.

Suzy Schares, City Clerk, stated that the vacancy could be filled by appointment if the council chose to do so and that appointment could realistically be made by June.

Mayor Hart stated that conversations have been taking place with the county elections office regarding the special election process with the notion that the people of Ward 1 should be afforded the opportunity to elect whomever they choose to represent them at council.

A work session will be scheduled next week to discuss the vacancy.

Mr. Morrissey reminded everyone that this week is National Bike to Work Week and this coming Friday, May 20th, is National Bike to Work Day. On that day Main Street Waterloo, in conjunction with the Cedar Valley Bicycle Collective, will be having an event at Lincoln Park during the first Friday'Loo event. He invited everyone to ride their bicycle to Lincoln Park on the evening for a chance to win prizes and enjoy the festivities.

146054 - Welper/Schmitt

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

ADJOURNMENT

146055 - Welper/Schmitt

that the Council adjourn at 6:36 p.m. Voice vote-Ayes: Six. Motion carried.

Suzy Schares, CMC
City Clerk/Human Resource Director