

June 13, 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, June 13, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Lind, Amos, Schmitt, and Welper.

Mayor Hart read a prepared statement expressing condolences for the victims of the Pulse Nightclub shooting in Orlando, Florida.

Prayer or Moment of Silence.

Pledge of Allegiance: Dave Zellhoefer, City Attorney.

146173 - Welper/Schmitt

that the Agenda, as amended, by adding item 1.A.22, resolution setting the date of public hearing as June 27, 2016 for the adoption of the FY 2017-2021 Capital Improvements Program for the City of Waterloo, and authorize City clerk to publish said notice, and item 16, resolution approving the request of XL Colt Farms, LLC for the 35-lot Preliminary Plat of Audubon Hills First Addition, located east of 1867 Red Tail Drive, be tabled to June 20, 2016, for the Regular Session on Monday, June 13, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Motion carried.

146174 - Welper/Schmitt

that the Minutes, as proposed, for the Regular Session on Monday, June 6, 2016, at 4:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Motion carried.

146175 - Welper/Schmitt

that the Minutes, as proposed, for the Special Session on Tuesday, June 7, 2016, at 4:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Motion carried.

Mayor Hart read a Proclamation declaring June 19, 2016 as Juneteenth Celebration.

Mayor Hart presented a Certificate of Appreciation to John LaPointe, Interim Wastewater Superintendent.

CONSENT AGENDA

146176 - 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 June 13, 2016, in the amount of \$3,821,902.71, 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. 2016-428.

2. Resolution approving variance request by Cedar Valley United Way to Section 5-2-6 of the Waterloo Code of Ordinances, Discharging Weapons, to allow them to discharge a paint ball device at a target as a contest/fundraiser at their golf outing, on June 17th, 2016 at South Hills Golf Course, in the area of the 15th hole.

Resolution adopted and upon approval by Mayor assigned No. 2016-429.

3. Resolution approving request of Mary Dettmer for a waiver for an asphalt driveway with the elimination of the sidewalk section, located at 2061 Burton Avenue.

Resolution adopted and upon approval by Mayor assigned No. 2016-430.

4. Resolution to designate and approve appointment of Phil Schuppert, Stormwater Specialist, as primary board member and Wayne Castle, Associate Engineer, as secondary board member to the Middle Cedar Watershed Management Authority.

Resolution adopted and upon approval by Mayor assigned No. 2016-431.

5. Resolution approving request from Mike Langreck for a waiver for a concrete driveway to be located at 4541 Winghaven Drive and authorizing

the construction of a concrete driveway and placing a driveway or sidewalk on City right of way on an unimproved street.

Resolution adopted and upon approval by Mayor assigned No. 2016-432.

6. Resolution approving the use of not to exceed \$750,000 in San Marnan Urban Renewal Area Tax Increment Financing funds for the acquisition of property generally located in the San Marnan TIF District.

Resolution adopted and upon approval by Mayor assigned No. 2016-433.

7. Resolution approving the use of not to exceed \$750,000 in San Marnan Urban Renewal Area Tax Increment Financing funds for an economic development grant for the construction of a building.

Resolution adopted and upon approval by Mayor assigned No. 2016-434.

8. Resolution approving the use of not to exceed \$4,000 in San Marnan Urban Renewal Area Tax Increment Financing funds for appraisal and grant writing services related to the Galactic Drive/Fitzway Drive Extensions project.

Resolution adopted and upon approval by Mayor assigned No. 2016-435.

9. Resolution approving the use of not to exceed \$35,000 in San Marnan Urban Renewal Area Tax Increment Financing funds for site certification services for the South Waterloo Business Park.

Resolution adopted and upon approval by Mayor assigned No. 2016-436.

10. Resolution approving the use of \$34,149 in San Marnan Urban Renewal Area Tax Increment Financing funds for Fisher Drive sanitary sewer extension project.

Resolution adopted and upon approval by Mayor assigned No. 2016-437.

11. Resolution approving the use of not to exceed \$1,299,097 in Northeast Industrial Site Urban Renewal Area Tax Increment Financing funds for the acquisition of property generally located in the Northeast Industrial Site TIF District.

Resolution adopted and upon approval by Mayor assigned No. 2016-438.

12. Resolution approving the use of not to exceed \$1,330,000 in Northeast Industrial Site Urban Renewal Area Tax Increment Financing District funds for the construction of a sanitary sewer extension.

Resolution adopted and upon approval by Mayor assigned No. 2016-439.

13. Resolution approving the use of not to exceed \$474,500 in Martin Road Urban Renewal Area Financing funds for an economic development grant for the construction of a building.

Resolution adopted and upon approval by Mayor assigned No. 2016-440.

14. Resolution approving the use of not to exceed \$210,000 in Martin Road Urban Renewal Area Financing funds for an economic development grant for the construction of a building.

Resolution adopted and upon approval by Mayor assigned No. 2016-441.

15. Resolution approving the use of not to exceed \$266,700 in MidPort Urban Renewal Area Tax Increment Financing funds for an economic development grant for the construction of a building.

Resolution adopted and upon approval by Mayor assigned No. 2016-442.

16. Resolution approving the use of not to exceed \$602,500 in MidPort Urban Renewal Area Tax Increment Financing funds for an economic development grant for the construction of a building.

Resolution adopted and upon approval by Mayor assigned No. 2016-443.

17. Resolution approving the use of not to exceed \$39,500 in MidPort Urban Renewal Area Tax Increment Financing funds for preliminary and final platting, soil investigation and sanitary sewer design for the Wagner Road Sanitary Sewer Extension project.

Resolution adopted and upon approval by Mayor assigned No. 2016-444.

- 18. Resolution approving the use of not to exceed \$350,000 in MidPort Urban Renewal Area Tax Increment Financing funds for the construction of the MidPort Boulevard Extension Phase III project.

Resolution adopted and upon approval by Mayor assigned No. 2016-445.

- 19. Resolution approving the use of not to exceed \$456,500 in MidPort Urban Renewal Area Tax Increment Financing funds for the acquisition of property.

Resolution adopted and upon approval by Mayor assigned No. 2016-446.

- 20. Resolution approving the use of not to exceed \$20,000 in MidPort Urban Renewal Area Tax Increment Financing funds for services related to the merger of the MidPort and Logan Tax Increment Financing Districts.

Resolution adopted and upon approval by Mayor assigned No. 2016-447.

- 21. Resolution approving the use of not to exceed \$6,800 in MidPort Urban Renewal Area Tax Increment Financing funds for brownfield grant-writing services.

Resolution adopted and upon approval by Mayor assigned No. 2016-448.

- 22. Resolution approving setting the date of public hearing as June 27, 2016 for the adoption of the FY 2017-2021 Capital Improvements Program for the City of Waterloo, and authorize City Clerk to publish said notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-449.

b. Motion to approve the following:

1.

Travel Requests				
Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a. Howard Brooks, Operator, and Thad Childers, Lab Tech	Annual Wastewater Conference	Cedar Rapids, IA	July 25-26, 2016	\$270.00
b. Scott Strader, Combination Inspector II	Plumbing Update Class	Cedar Falls, IA	August 12, 2016	\$239.00

2.

Approved Beer, Liquor, and Wine Applications				
Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a. Kwik Stop 4, 515 Broadway Street	B Wine/C Beer/E Liquor/	Renewal	5/31/2017	X

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

Appointee	Board/Commission	Expiration Date	New or Re-Appointment
Rose Middleton	MET Transit Board	06/30/2019	Re-Appointment

- 4. Fireworks Display at Lost Island Water Park, 2225 East Shaulis Road, on July 3rd, 2016 beginning at 9:45 p.m. for the July 4th Party at Bamboo Ridge Camp Ground.
- 5. Fireworks Display by Waterloo Community Playhouse, 224 Commercial Street, on July 8th, 2016 beginning at 9:45 p.m. for their 100 year party at the center of the Park Avenue bridge.
- 6. Fireworks Display by Cedar Valley Jaycees, P.O. Box 245, on July 2nd, 2016 beginning at dark, for the July 2nd City Fireworks Display located at San Souci Island.
- 7. Fireworks Display by Sunnyside Country Club, 1600 Olympic Drive, on July 4th, 2016 beginning at 10:00 p.m. for the 4th of July.
- 8. to approve appointment of Dirk Wolff and Dennis Even to the position of Equipment Operator I in the Street Department, pending successful completion of physicals and drug testing, effective July 5, 2016.

9. Bonds

Roll call vote-Ayes: Six. Motion carried.

PUBLIC HEARINGS

146177 - Schmitt/Welper

that the hearing in conjunction with the FY 2016 W 2nd, Cedar, & W 3rd Streets Improvements, Contract No. 912, be reopened. 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.

146178 - Schmitt/Welper

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

146179 - Schmitt/Welper

that "Resolution confirming approval of plans, specifications, form of contract, etc. the FY 2016 W 2nd, Cedar, & W 3rd Streets Improvements, Contract No. 912", be adopted. Roll-call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-450.

146180 - Schmitt/Welper

that "Resolution authorizing to proceed in conjunction with the FY 2016 W 2nd, Cedar, & W 3rd Streets Improvements, Contract No. 912", be adopted. Roll-call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-451.

146181 - 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
K Cunningham Construction Co., Inc. 1025 Center Street Cedar Falls, IA 50613	5%	\$1,014,225.81
Lodge Construction P.O. Box 459 Clarksville, IA 50649	5%	\$779,206.83
Peters Construction Corp. 901 Black Hawk Road Waterloo, IA 50704	5%	\$810,810.00

Voice vote-Ayes: Six. Motion carried.

RESOLUTIONS

146182 - Lind/Schmitt

that "Resolution to appoint Bankers Trust Company of Des Moines, Iowa, to serve as Paying Agent, Bond Registrar, and Transfer Agent; approve the Paying Agent and Bond Registrar and Transfer Agent Agreement, in conjunction with the \$8,605,000 General Obligation Bonds, Series 2016A, and authorizing the execution of said agreement by the Mayor and City Clerk", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-452.

146183 - Lind/Schmitt

that "Resolution authorizing redemption of outstanding General Obligation Bonds, Series 2008A, of the City of Waterloo, Iowa, dated June 1, 2008 and directing

the Notice of Redemption for the above-named issue", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-453.

146184 - Lind/Schmitt

that "Resolution authorizing and providing for the issuance, and levying a tax to pay the Bonds, Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate for the \$8,605,000 General Obligation Bonds, Series 2016A", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-454.

146185 - Welper/Morrissey

that "Resolution to appoint Bankers Trust Company of Des Moines, Iowa, to serve as Paying Agent, Bond Registrar, and Transfer Agent; approve the Paying Agent and Bond Registrar and Transfer Agent Agreement, in conjunction with the \$1,810,000 General Obligation Bonds, Series 2016B, and Authorizing the Execution of the Agreement", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-455.

146186 - Welper/Morrissey

that "Resolution authorizing and providing for the issuance, and levying a tax to pay the Bonds, and approving the Continuing Disclosure Certificate for the \$1,810,000 General Obligation Bonds, Taxable Series 2016B", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-456.

146187 - Morrissey/Welper

that "Resolution to appoint Bankers Trust Company of Des Moines, Iowa, to serve as Paying Agent, Bond Registrar, and Transfer Agent; approve the Paying Agent and Bond Registrar and Transfer Agent Agreement, in conjunction with the \$9,250,000 General Obligation Bonds, Series 2016C, and authorizing the execution of the agreement by the Mayor and City Clerk", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-457.

146188 - Morrissey/Welper

that "Resolution authorizing and providing for the issuance, and levying a tax to pay the Bonds, and approving the Continuing Disclosure Certificate for the \$9,250,000 General Obligation Bonds, Taxable Series 2016C", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-458.

146189 - Amos/Morrissey

that "motion approving Change Order No. 1 for a net decrease of \$1,979.90 for the F.Y. 2015 Geraldine Road - Phase 3, Contract No. 871, and authorize the Mayor and City Clerk to execute said document", be adopted. Roll call vote-Ayes: Six. Motion carried.

146190 - Amos/Morrissey

that "Resolution approving Completion of Project and Recommendation of Acceptance of Work performed by Benton's Sand and Gravel, Inc., of Cedar Falls, Iowa, at a total cost of \$514,513.19 in conjunction with F.Y. 2015 Geraldine Road - Phase 3, Contract No. 871", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-459.

146191 - Amos/Morrissey

that "motion approving Change Order No. 1 for a net decrease of \$16,290.66 for the F.Y. 2016 Levee Tree Clearing (Black Hawk Creek North Side) and Sink Creek Channel Cleaning, Contract No. 888, and authorize the Mayor and City Clerk to execute said document", be adopted. Roll call vote-Ayes: Six. Motion carried.

146192 - Morrissey/Welper

that "Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Vieth Construction Corporation, of Cedar Falls, Iowa, at a total cost of \$147,195.54 for the F.Y. 2016 Levee Tree Clearing (Black Hawk Creek North Side) and Sink Creek Channel Cleaning, Contract No. 888, and receive and file a two year maintenance bond in the amount of \$147,195.54", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-460.

146193 - Morrissey/Welper

that "Resolution approving Black Hawk County Gaming Grant in the amount of \$25,000.00 for an animal control equipped vehicle", be adopted. Roll call vote-Ayes: Three. Nays: Three (Jacobs, Lind, and Schmitt). Motion failed.

Mr. Schmitt stated that he, Mr. Lind, and Mr. Jacobs held a public forum last week and one of the items discussed was the city's Animal Control services and suggested forming a small committee to reassess the animal control and made a motion to table item 14.

Mr. Morrissey asked for clarification of this item.

Sandie Greco, Traffic Superintendent, explained that the item is to approve a grant that council approved her to apply for last winter. She stated that the program is in dire need of a new, fully equipped vehicle and they have done the research needed to find the best price on that vehicle.

Mr. Morrissey questioned if money is budgeted to help purchase the vehicle.

Sandie Greco stated that the gaming grant would provide half of the \$50,000.00 request, and there is bond money in the budget to cover the other half.

Mr. Morrissey clarified that the resolution is to approve a grant for \$25,000.00.

146194 - Schmitt/Lind

to table item 14 until July 18, 2016. Roll call vote-Ayes: Three. Nays: Three (Morrissey, Amos, and Welper). Motion failed.

146195 - Morrissey/Welper

that "Resolution approving a Development Agreement between No Steps, LLC (PDCM Insurance) and the City of Waterloo for the \$600,000 renovation of 3022 Airport Boulevard in the Airport TIF District, offering five years at 50% tax rebates, and authorize Mayor and City Clerk to execute all necessary documents", be adopted. Roll call vote-Ayes: Six. Motion carried.

Mr. Lind asked for clarification of this item.

Aric Schroeder, City Planner, explained the item and the procedural process of it.

Mr. Schmitt clarified that this item is being proceeding normally with minor differences.

Aric Schroeder confirmed that it is.

Mr. Morrissey asked if they are maintaining ownership and paying taxes on their University Avenue properties.

Aric Schroeder confirmed that they are.

Resolution adopted and upon approval by Mayor assigned No. 2016-461.

146196 - Welper/Morrissey

that "Resolution approving Mature Market and Commercial Agreements with American Healthways Services, LLC to allow eligible senior citizens in our community to qualify for no costs memberships to the Cedar Valley SportsPlex", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-462.

ORDINANCES

146197 - Morrissey/Welper

that "an Ordinance amending the 2008 Traffic Code by Repealing Section 551 - Parking Prohibited At all Times On Certain Street by adding 176(a) Parking Prohibited At All Times on the North Side of the 200 Block of Hogle Street", be received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Six. Motion carried.

146198 - Morrissey/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.

146199 - Morrissey/Welper

that "an Ordinance amending the 2008 Traffic Code by Repealing Section 551 - Parking Prohibited At all Times On Certain Street by adding 176(a) Parking Prohibited At All Times on the North Side of the 200 Block of Hogle Street", be considered and passed for the second and third times and adopted. Roll call vote-Ayes: Six. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 5354.

ORAL PRESENTATIONS

146200 - Welper/Schmitt

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

Jim Chapman, 224 Bertch, commented the amount of garbage on the recycling area on Ansborough Avenue and recommended placing a fine on violators and reminded the Mayor that he has not received his change order information that he has requested.

Bruce W. Kaesser, 500 Sycamore Street, commented on the curb cut repairs at Sycamore and 4th Street and requested that the fixes be reinspected by the city.

David Dryer, 3145 West 4th Street, asked when tax payer relief will come from TIF debt and commented on the Development Agreement approved on item 15.

Terry Stevens, expressed concern that a code enforcement officer who did not charge the dog owner who bit off a girl's ear and that multiple properties on the east side of Waterloo have not yet been deemed historic places and requested a moratorium on demolitions in the triangle until city officials address this matter.

146201 - Welper/Schmitt

that the council adjourn to Executive Session at 6:08 p.m. Roll call vote-Ayes: Six. Motion carried.

City Attorney Dave Zellhoefer stated that discussion of pending and potential litigation is an approved topic of Executive Session pursuant to Iowa Code Section 21.5(1)(c) (2016).

City Attorney Dave Zellhoefer stated that discussion of the sale of property is an approved topic of Executive Session pursuant to Iowa Code Section 21.5(1)(j) (2016).

EXECUTIVE SESSION

146202 - Welper/Schmitt

that the council adjourn Executive Session at 6:42 p.m. Voice vote-Ayes: Six. Motion carried.

ADJOURNMENT

146203 - Welper/Schmitt

that the Council adjourn at 6:43 p.m. Voice vote-Ayes: Six. Motion carried.

Kelley Felchle
Deputy City Clerk