

August 1, 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, August 1, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Powers, Lind, Amos, Schmitt, and Welper.

Prayer or Moment of Silence - Prayer led by Pastor Jeffrey Blank of Trinity Lutheran Church.

Pledge of Allegiance: Daniel Trelka, Director of Safety Services.

146375 - Welper/Schmitt

that the Agenda, as amended, by deleting item 11, for the Regular Session on Monday, August 1, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

146376 - Welper/Schmitt

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

Mayor Hart read a Proclamation declaring August 2, 2016, as National Night Out.

CONSENT AGENDA

146377 - 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 August 1, 2016, in the amount of \$1,037,019.79 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. 2016-604.

2. Resolution approving request to hold the Muscular Dystrophy Association (MDA) Boot Block on August 19, August 26 and September 2, 2016 from 3:00 pm to 6:00 pm, at the intersections of Franklin & E. 3rd, LaPorte and San Marnan, Kimball & Ridgeway, and Ansborough & Downing.

Resolution adopted and upon approval by Mayor assigned No. 2016-605.

3. Resolution approving the request of Vern and Verdeen Peters for tax exemptions on the construction of a new single family home valued at \$159,900 for property located at 1006 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-606.

4. Resolution approving the request of Darren and Amy Hanna for tax exemptions on the construction of a new single family home valued at \$329,538 for property located at 1515 Falcon Ridge, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-607.

5. Resolution approving the request of Jack Johnson for tax exemptions on the construction of a new single family home valued at \$189,259 for property located at 1313 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-608.

6. Resolution approving the request of Joseph Jones for tax exemptions on the construction a new single family home valued at \$199,276 for property located at 1033 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-609.

7. Resolution approving the request of Katelyn Bogardus for tax exemptions on the construction of a new single family home valued at \$216,084 for

property located at 1112 Sandpiper Court, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-610.

8. Resolution approving request from Friends of Heal the Family for a variance to Noise Ordinance on August 20, 2016 from 11:00 a.m. to 4:00 p.m., in conjunction with the "Take Back Our Community" event to be held at Sullivan Park, including the use of a PA system, together with the recommendation of the Director of Safety Services.

Resolution adopted and upon approval by Mayor assigned No. 2016-611.

9. Resolution preliminarily approving plans, specifications, form of contract, etc. and setting date of bid opening as August 18, 2016, and date of public hearing as August 22, 2016, for the F.Y. 2017 Bridge Repairs - 6th Street, 18th Street, and Ansborough Avenue, Contract No. 916; and instruct City Clerk to publish notice of plans, specifications, form of contract, etc.

Resolution adopted and upon approval by Mayor assigned No. 2016-612.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Sam Barrett, Sanitation Operations Supervisor	Solid Waste Composting (on-line)	Waterloo, IA	TBA	\$175.00
b.	Chief Trelka and Lt. McClelland	Training/ Consultation Garry McFadden	Charlotte, NC	August 23-25, 2016	\$1,176.00
c.	P.O. Saunders	International Outlaw Motorcycle Gang Investigators Association Conference 2016	Kansas City, MO	August 21-26, 2016	\$1,148.00

2.	Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	West Side Liquor, 919 W. 5th Street	B Wine / C Beer / E Liquor	Renewal	09/02/2017	X
b.	Kwik Star #723, 707 Broadway Street	C Beer	Renewal	07/21/2017	X
c.	Kwik Star #724, 1105 Cedar Bend Drive	B Native Wine, C Beer	Renewal	07/21/2017	X
d.	Kwik Star #722, 1214 Franklin Street	C Beer	Renewal	07/21/2017	X
e.	Kwik Star #732, 324 Fletcher Avenue	C Beer	Renewal	07/21/2017	X
f.	Jim's Food, 437 Sullivan Avenue	B Wine / C Beer / E Liquor	Renewal	08/10/2017	X
g.	Hy-Vee Food Store #2, 2181 Logan Avenue	B Wine / C Beer / E Liquor	Renewal	03/23/2017	X
h.	Fraternal Order of Eagles, Waterloo Aerie #764, 202 E. 1st Street, Ownership Update	A Liquor	New	06/30/2017	
i.	Club 700, 1955 Locke Avenue	C Liquor	Renewal	06/30/2017	X
j.	Casey's Pub & Eatery, 1125 W. Donald Street	C Liquor w/Outdoor Service	Renewal	07/31/2017	X
k.	Cadillac Lanes, 650 La Porte Road	C Liquor w/Outdoor Service	Renewal	07/31/2017	X
l.	Benevolent & Protective Order of Elks #290, 407 E. Park	C Liquor w/Outdoor Service /	Renewal	06/30/2017	X

Avenue	Catering			
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3. Recommendation of appointment of Michelle Boesen and Amber Chase to the position of Clerk I in the Police Department, with an effective date of August 2, 2016.

Roll call vote-Ayes: Seven. Motion carried.

PUBLIC HEARINGS

146378 - Schmitt/Welper

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 July 22, 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.

Tom Weber, Lamar Advertising, 209 E. Main Street, Dunkerton, explained that the ordinance requires 1,000 feet separation between billboards and that he is in compliance.

Lawrence Wheeler, 433 Bratnober, explained that he would like to see fewer billboards.

146379 - Schmitt/Welper

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

146380 - Schmitt/Welper

that "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", be received, placed on file, considered and passed for the first time.

Mayor Hart explained that the item was denied by Planning and Zoning Commission and will require 6 ayes to approve the item.

Mr. Morrissey questioned the purpose of the sign.

Tom Weber, Lamar Advertising, explained that they have another sign in the area and that they want to maximize their advertising potential.

Mr. Morrissey questioned if Crossroads Businesses are automatically on the sign.

Tom Weber explained that he is working with Crossroads Management to get reduced advertising costs to businesses at the mall.

Mr. Powers questioned if a resolution has been reached between Crossroads Mall and Lamar Advertising on what kind of sign would be acceptable to both parties.

Tom Weber noted that no agreement has been reached.

Mr. Powers noted that he would like to see both parties reach an agreement.

Mr. Welper questioned if the city received revenue from the sign.

Tom Weber explained that the landowner receives funds but the city does not.

Mr. Morrissey questioned if the business has an office in Waterloo.

Mr. Weber explained that Lamar Advertising does not have an office in Waterloo.

Noel Anderson, Community Planning and Development Director, noted that the item was last at Planning and Zoning in June. Opposition to the item came from the Crossroads Center Manager and Pancheros Mexican Grill. The zoning ordinance requires that billboards be located 1,000 feet from other billboard and the proposal is in compliance.

Mayor Hart explained that the area can have one electronic sign since it is changing often.

Mr. Morrissey commented that he intends to vote no on the item and listed his reasons as follows: Drivers could be distracted by the sign, the area is cluttered with billboards, businesses in the area object to the billboard, this would be the fourth sign that would give the appearance of being a large billboard in the area, Lamar Advertising is not a local business, other cities are allowed to advertise on the sign, and Planning and Zoning Commission has voted against the site plan amendment twice.

Mayor Hart stated that his goal is seeking common ground between all parties so council can move forward.

Mr. Jacobs explained that if Lamar Advertising and Crossroads businesses could come together then it would be worth discussing further.

Mr. Powers agreed with Mr. Jacobs and would like to see data on the amount of traffic accidents in the area.

Mr. Schmitt explained that what is proposed is within the guidelines of the ordinance and that the reasons for voting no are matters of opinion and not of fact. He further noted that he would like to see the first reading pass and have the two sides work together or table the item.

Mr. Lind spoke in favor of passing the first reading or tabling.

Mayor Hart suggested tabling this item.

146381 - Lind/Schmitt

that the item be tabled for two weeks. Roll call vote-Ayes: Seven. Motion Carried.

146382 - Morrissey/Amos

that proof of publication of notice of public hearing on the request by Action Garage to vacate the easterly 3' of an 8' utility easement for the purposes of constructing a new detached garage, located at 2734 Crestline Avenue, as published in the Waterloo Courier on July 22, 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.

146383 - Morrissey/Amos

that the hearing be closed and oral and written comments and recommendation of Planning, Programming, & Zoning Commission be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

146384 - Morrissey/Amos

that "an Ordinance approving a request by Action Garage to vacate the easterly 3' of a 8' utility easement for the purposes of constructing a new detached garage, located at 2734 Crestline Avenue", be received, placed on file, considered and passed for the first time and authorizing the Mayor and City Clerk to execute necessary documents. Roll call vote-Ayes: Seven.

Mr. Lind questioned if utilities sign off if a utility easement is vacated.

Noel Anderson explained that the technical review committee is made up of utilities and they help review vacates.

146385 - Morrissey/Amos

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

146386 - Morrissey/Amos

that "an Ordinance approving a request by Action Garage to vacate the easterly 3' of a 8' utility easement for the purposes of constructing a new detached garage, located at 2734 Crestline Avenue", be considered and passed for the second and third times and adopted. Roll call vote-Ayes: Seven. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 5361.

146387 - Schmitt/Amos

that proof of publication of notice of public hearing on the authorization of the sale and conveyance of certain tracts of land, formerly portions of West San

Marnan Drive right-of-way adjacent to 1104-1111 West San Marnan Drive, to San Marnan Management, Ltd. in the amount of \$1.00 in accordance with a development agreement approved on April 27, 2015, as published in the Waterloo Courier on July 25, 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.

Terry Stevens, no address given, questioned the value of the land.

Noel Anderson explained that the land appraised for \$172,000 and no bids were received from adjacent land owners therefore the city is allowed to sell the property.

146388 - Schmitt/Amos

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

146389 - Schmitt/Amos

that "Resolution authorizing the sale and conveyance of certain tracts of land, formerly portions of West San Marnan Drive right-of-way adjacent to 1104-1111 West San Marnan Drive, to San Marnan Management, Ltd. in the amount of \$1.00 in accordance with a development agreement approved on April 27, 2015, and authorizing the Mayor and City Clerk to execute necessary documents", be adopted. Roll-call vote-Ayes: Six. Abstain: One (Powers, due to his employment with VGM.) Motion carried.

Mr. Lind asked for clarification if San Marnan Management Ltd. Owns the VGM building.

Noel Anderson confirmed.

Mr. Lind questioned if this is the same situation as the city was in with Sunnyside South.

Noel Anderson explained that the pending lawsuit has nothing to do with the sale of land.

Dave Zellhoefer, City Attorney, explained that the Supreme Court Case has concerns the city being found in contempt of court. The city is following Section 306.23 of Iowa Code, which outlines the proper procedure for selling the property.

Mr. Schmitt asked for clarification that this item has nothing to do with the court case.

Dave Zellhoefer clarified that it does not and offered clarifying details.

Mayor Hart clarified that this is not the same parcel of land.

Dave Zellhoefer confirmed that it is not and the two are mutually exclusive.

Resolution adopted and upon approval by Mayor assigned No. 2016-613.

RESOLUTIONS

146390 - Welper/Morrissey

that "Resolution approving Professional Service Agreement with Ament Design of Cedar Rapids, Iowa in the amount not to exceed \$40,000.00 for Surveying, Traffic/Transportation Engineering Design and Related Services for 5th and 6th Street Traffic Signal Improvements and authorizing Mayor to execute said document", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-614.

Mr. Morrissey requested further explanation on the project.

Sandie Greco explained the project and design concept options.

Mr. Morrissey asked if the grant money could still be used in the construction of two way streets even though the grant was written for one way streets.

Sandie Greco stated that the city would have to pose that question to the Iowa DOT.

Mayor Hart questioned if there would be enough support from council and the public to warrant reconsideration of this project and if, in the future, it was decided to change these to two-way streets would items such as traffic signals would need to be returned.

Sandie Greco stated that traffic signals would remain in the city's possession but if Council decided to deny the item the city would be required to send the money back.

Mr. Morrissey questioned if the grant could be changed to lean toward two way streets if that is what the public is interested in.

Mr. Schmitt explained that it seems like other cities are converting one way streets to two way streets.

Mr. Morrissey explained that he would hate to see the money go toward a one way street when it could go toward a two way street that is more acceptable urban planning, pedestrians, and bicyclists.

Mayor Hart explained that the streets currently have a specific design and changing the design could exceed the cost of the grant.

Mr. Welper noted that the council needs to be careful with asking for money that they continue to deny. He added that the granting entities may stop funding projects since the city tends to deny the funds offered.

Mr. Morrissey clarified that he is not voting to deny the funds.

Mayor Hart explained that they will reach out to the DOT to see if the money can be used as council is suggesting.

Sandie Greco noted that she will reach out to the IDOT this week.

Lawrence Wheeler, 433 Bratnober, expressed opposition to changing 5th and 6th Streets from one-way to two-way and commented on ADA requirements at crosswalks.

David Deeds, 922 Mulberry Street, noted that he agreed with comments from council members regarding changing the roads downtown from one way streets to two way streets and encouraged the city to reach out to residents prior to applying for grants.

Mr. Schmitt requested clarification on the Professional Services Agreement and its connection to the grant application.

Sandie Greco clarified that the grant was approved and that Ament will design how many additional signals and traffic markings will be needed and it will include Washington Street to Franklin Street.

Mr. Schmitt questioned if Ament could be the design company if the city decides to switch to two way streets.

Mr. Lind asked if the grant pays for Ament's design work.

Sandie Greco explained that the design work is an out of pocket expense for the city and is not covered by grant money.

146391 - Welper/Morrissey

that "Resolution approving Professional Services Agreement with AECOM Technical Services, Inc. for an amount not to exceed \$49,500.00 in conjunction with the FY 2017 Gatewell Repair Project, and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Mr. Lind questioned if the city could do the work in house.

Eric Thorson, City Engineer, explained that the work is specialized and would be beneficial if AECOM completed the work.

Resolution adopted and upon approval by Mayor assigned No. 2016-615.

146392 - Amos/Morrissey

that "Resolution approving Supplemental Agreement No. 2 to the Professional Services Agreement with Recreation Engineering & Planning, of Boulder, Colorado, in the amount of \$32,430.00, paid for with WDC Gaming Funds, for preliminary engineering and design in conjunction with the construction of a whitewater course on the Cedar River in downtown Waterloo", be adopted. Roll call vote-Ayes: Five. Nays: One (Lind) Abstain: One (Schmitt, due to his business being located adjacent to the area.)

Bob Manning, 2908 W. 3rd Street/Cedar Valley Trails Partnership, spoke in favor of the whitewater course project.

Dale Carrol, 130 Tribal Road, questioned where people would park if they wanted to utilize the white water park.

Mayor Hart explained that the project was voted down to seek grant funding. This item is for design services.

John Sherbon, 1730 Robin Road, questioned how many people use the white water routes in Charles City and Manchester.

Mayor Hart quoted a *Dubuque Telegraph Herald* newspaper article dated July 30, 2016, which noted that the Manchester White Water Park draws tens of thousands of people to the Maquoketa River.

Vern Fisch, 3488 Kingswood Place, explained that the businesses in Manchester and Charles City have seen increased downtown traffic and that it creates a path for fish to move upstream.

Lawrence Wheeler, 433 Bratnober, commented on the white water course project.

David Deeds, 922 Mulberry Street, encouraged Council to proceed with the white water course project and to continue to invest in downtown.

Jessica Young, 318 W. 3rd Street Apt. 1, spoke in favor of pursuing the white water course project.

Chawne Paige, 210 Normandy Street, expressed support of the whitewater course.

David Dyer, 3145 W. 4th Street, commented on the use of Waterloo Development Corporation Gaming Funds for this and questioned the benefit to the taxpayer. He suggested using the money to purchase cameras for public safety or to dredge the river to make it more user friendly to the older generation.

Cammie Scully, 605 Riverside Drive, spoke in support of the white water course.

Bruce Kaesser, 500 Sycamore Street, spoke in support of the whitewater course.

Mr. Morrissey requested clarification on the item.

Eric Thorson, City Engineer, explained that the item is an amendment to the original agreement to make the area safer for recreational purposes and extends the course.

Paul Huting, Leisure Services Director, noted that the changes will make vast improvements to the fishing opportunities as well as lengthening the course to make it the longest existing whitewater course in the state.

Mr. Lind questioned who the agreement is between.

Paul Huting explained that the agreement is between the city and the design firm and that the item is a continuation of the agreement as funded by WDC Gaming.

Mr. Lind questioned the similarities between this project and the SportsPlex.

Paul Huting explained that the two are similar but the WDC will not own the course.

Mr. Lind questioned why the project is not in the CIP.

Paul Huting explained that it is in the CIP plan but that it is not being funded since the previous Mayor told the city that no city funds would be spent on the project.

Mayor Hart stated that he would not make the same statement as the former mayor. He added that this is the preliminary study. Different sources of funding are also being explored.

Mr. Lind commented that Council has funded millions of dollars of downtown projects and that it is time for the council to slow down on the funds spent downtown and look at other funding needs throughout the city.

Mr. Jacobs commented that he would like to see the city plan on possible funding needs in the future for the project.

Mr. Powers explained that he spoke to individuals planning the project and that accommodations would be made for anglers and individuals in wheelchairs. He

encouraged council to be mindful of the funding needs of the course down the road and expressed his support for moving forward with planning.

Resolution adopted and upon approval by Mayor assigned No. 2016-616.

146393 - Lind/Morrissey

that "Resolution approving construction plans for Sanitary Sewer Relocation serving 2086 Howard Avenue (Bauer Built Tire), as submitted by JDE Engineering, PLC, of Waterloo, Iowa", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-617.

146394 - Lind/Morrissey

that "Resolution approving an agreement with Revize Software Systems to design and implement a new website for the City of Waterloo for the amount of \$36,800", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Mr. Schmitt requested an explanation of the project.

Chris Youngblut, IT Director, explained the process for selecting a new website.

Mr. Lind complemented Chris Youngblut on his supporting documentation on the item.

Mr. Powers complemented Chris Youngblut on his supporting documentation on the item and questioned the security of the website.

Chris Youngblut explained the sites are equipped with top-notch security.

Resolution adopted and upon approval by Mayor assigned No. 2016-618.

ORDINANCES

146395 - Morrissey/Schmitt

that "an Ordinance amending 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 Rezone of Certain Property in conjunction with the request by Muhamed Kudic for a rezone of 5.45 acres from "R-3, R-P" Planned Multiple Family Residence District to "C-P" Planned Commercial District, to allow for the construction of a new electrician contractor business and for future development, generally located at the southeast corner of Southland Drive and Sergeant Road", be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Seven. Motion carried.

146396 - Morrissey/Schmitt

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

146397 - Morrissey/Schmitt

that "an Ordinance amending 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 Rezone of Certain Property in conjunction with the request by Muhamed Kudic for a rezone of 5.45 acres from "R-3, R-P" Planned Multiple Family Residence District to "C-P" Planned Commercial District, to allow for the construction of a new electrician contractor business and for future development, generally located at the southeast corner of Southland Drive and Sergeant Road", be considered and passed for the third time and adopted. Roll call vote-Ayes: Seven.

Ordinance adopted and upon approval by Mayor assigned No. 5362.

ORAL PRESENTATIONS

146398 - Welper/Schmitt

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

Jerry Grier, 23 Lafayette Street, commented that input and inclusion of all workers in the work place is extremely important.

Terri Stevens, no address given, commented on the dangerous dog ordinance and calls regarding a dangerous dog in her neighborhood.

Sandie Greco, Director of Traffic Operations, explained that Animal Control has attempted to contact the owner but the owner does not respond and are taking additional steps this week.

Lawrence Wheeler, 433 Bratnober, commented on pit bulls in his neighborhood and encouraged the city to ensure its infrastructure is ADA compliant.

ADJOURNMENT

146399 - Welper/Schmitt

that the Council adjourn at 7:21 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
Deputy City Clerk