

August 15, 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 15, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Powers, Lind, Amos, Schmitt, and Welper.

Prayer or Moment of Silence.

Pledge of Allegiance: Steven Nielsen, Library Director.

146422 - Welper/Amos

that the Agenda, as amended, to add item 1.B.h, travel request for Mayor Quentin Hart, to attend Training/Consultation with Gary McFadden in Charlotte, NC, August 17-19, 2016, in the amount of \$1,315.00 and amend item 13 to remove the minimum annual payment increase from \$250,000 to \$300,000 term of the contract, for the Regular Session on Monday, August 15, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

146423 - Welper/Amos

that the Minutes, as proposed, for the Regular Session on Monday, August 8, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

CONSENT AGENDA

146424 - Welper/Amos

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 15, 2016, in the amount of \$1,030,433.45, 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. 2016-636.

2. Resolution approving the request of Don Blake for tax exemptions on the construction of a new single family home valued at \$200,000 for property located at 2015 Grand Boulevard, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-637.

3. Resolution approving Resolution approving the request of Kasim Mustedangic for tax exemptions on the construction of a new single family home valued at \$180,000 for property located at 1030 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-638.

4. Resolution approving the request of Jason Harkness for tax exemptions on the construction of a new single family home valued at \$195,648 for property located at 1434 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-639.

5. Resolution approving the request of Margaret Nelson for tax exemptions on the construction of a new single family home valued at \$199,516 for property located at 1312 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-640.

6. Resolution approving the request of Terri Strein for tax exemptions on the construction of a new single family home valued at \$200,000 for property located at 3586 W. Shaulis Road, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-641.

7. Resolution approving the request of Asim Mustedanagic for tax exemptions on the construction of a new single family home valued at \$200,000 for

property located at 1040 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA), and rescinding Resolution No. 2016-620 approved on August 8, 2016.

Resolution adopted and upon approval by Mayor assigned No. 2016-642.

- 8. Resolution setting date of public hearing as September 6, 2016 to approve Request by VJ Engineering on the behalf of Heritage Square Real Estate for a site plan amendment to the "S-1" Shopping Center District, to allow for the construction of a 5,104 SF three unit retail building and a 40-stall parking lot, generally located immediately West of 200 East Ridgeway Avenue; and instruct City Clerk to publish notice

Resolution adopted and upon approval by Mayor assigned No. 2016-643.

- 9. Resolution preliminarily approving plans, specifications, form of contract etc. and setting date of bid opening as September 1, 2016, and date of public hearing as September 6, 2016 for the 2016 Tree Removal Project; and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-644.

- 10. Resolution preliminarily approving plans, specifications, form of contract etc. and setting date of bid opening as September 1, 2016, and date of public hearing as September 6, 2016 for the 2016 Fall Stump Removal Project; and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-645.

- 11. Resolution approving request from David Scroggins for a waiver for a concrete driveway located at 1043 Calhoun Street with the elimination of the sidewalk section due to the inability to meet grade requirements.

Resolution adopted and upon approval by Mayor assigned No. 2016-646.

- 12. Resolution approving request of Matt Boyd for a Variance to the Noise Ordinance on August 27, 2016 from 11:30 a.m. to 6:30 p.m., in conjunction with the North End Arts and Music Fest event to be held at E. 4th and Adams, along with the use of a PA system.

Resolution adopted and upon approval by Mayor assigned No. 2016-647.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Cheryl Huddleston, Human Resources Manager; Nancy Culpepper, Administrative Secretary; Nikki Fischels, Human Resources Specialist	Iowa Public Employer Labor Relations Association Fall Meeting	Waterloo, IA	September 8-9, 2016	\$300.00
b.	Officers Wilson and Schaaf	Glock Armorer Recertification	Clear Lake, IA	October 4, 2016	\$500.00
c.	Sgt. Hoelscher	Glock Armorer Recertification	Davenport, IA	September 8, 2016	\$250.00
d.	Brian Rath, Treatment Operations Supervisor	IWEA 2016 Operators Conference	Marshalltown, IA	September 7-8, 2016	\$170.00
e.	Inv. Sadd	DVR Recovery Training / DVR Hard Drive Imaging	Seattle, WA	September 11-27, 2016	\$3,945.00
f.	Capt. Reninger and Engineer Moudry	Deliver Truck to Pierce Manufacturing	Weyauwega, WI	August 19, 2016	\$300.00
g.	Capt. Leibold, Sgt's McGeough, Hoelscher and Officer Erie	Constitutional Use of Force	Schaumburg, IL	August 23-24, 2016	\$1,105.82

h.

Quentin Hart, Mayor	Training/Consultation with Gary McFadden	Charlotte, NC	August 17- 19, 2016	\$1,315.00
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2.

Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date
a.	Narey's 19th Hole, 2073 Logan Avenue	C Liquor	Renewal	8/22/2017
b.	Chapala Mexican Restaurant, 900 LaPorte Rd	C Liquor	Renewal	8/7/2017
c.	Kwik Star #715, 1636 W. 4th Street	C Beer	Renewal	7/29/2017

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

Appointee	Board/Commission	Expiration Date	New or Re- Appointment
Hugh Field	Airport Board	6/30/2020	Re-Appointment

Roll call vote-Ayes: Seven. Motion carried.

PUBLIC HEARINGS

146425 - Lind/Welper

that proof of publication of notice of public hearing on the request to fulfill Police Department 5 year maintenance agreement for printer and copier needs, as published in the Waterloo Courier on August 1, 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.

146426 - Lind/Welper

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

146427 - Lind/Welper

that “Resolution confirming approval of plans, specifications, form of contract, etc.”, be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-648.

146428 - Lind/Welper

that “Resolution authorizing to proceed”, be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-649.

146429 - Lind/Welper

Motion to receive and file and instruct City Clerk to read bids and refer to Police Department for review.

Bidder	Bid Amount
Marco Waterloo, IA	\$1,845.34 / month
Advanced Systems, Inc. Waterloo, IA	\$1,616.27 / month
Access Systems, Inc. Waterloo, IA	Opt. 1 - \$1,613.50/ month Opt. 2 - \$1,677.00/ month Opt. 3 - \$1,565.50/ month

Voice vote-Ayes: Seven. Motion carried.

146430 - Amos/Lind

that proof of publication of notice of public hearing on the Complete Wall Repairs to Hangar No. 4 at Waterloo Regional Airport, as published in the Waterloo Courier on August 5, 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.

146431 - Amos/Lind

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

146432 - Amos/Welper

that "Resolution confirming approval of plans, specifications, form of contract, etc.", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-650.

146433 - Amos/Welper

that "Resolution authorizing to proceed", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-651.

146434 - Amos/Welper

Motion to receive and file and instruct City Clerk to read bids and refer to Airport Director for review.

Bidder	Bid Security	Bid Amount
Modern Builders, Inc.,	5%	\$72,250.00
Janesville, IA	5%	\$76,800.00

Voice vote-Ayes: Seven. Motion carried.

146435 - Welper/Amos

that proof of publication of notice of public hearing on the Replacement and Installation of Doors in the Baggage Make-Up Area and Baggage Drop Areas at Waterloo Regional Airport, as published in the Waterloo Courier on August 5, 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.

146436 - Welper/Amos

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

146437 - Welper/Amos

that "Resolution confirming approval of plans, specifications, form of contract, etc.", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-652.

146438 - Welper/Amos

that "Resolution authorizing to proceed", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-653.

146439 - Welper/Amos

Motion to receive and file and instruct City Clerk to read bids and refer to Airport Director for review.

Bidder	Bid Security	Bid Amount
Modern Builders Inc. Janesville, IA	5%	\$45,800.00 Base \$21,000.00 Add Alt. TOTAL: \$66,800.00
Peters Construction Corp. Waterloo, IA	5%	\$ 49,940.00 Base \$14,441.00 Add Alt. TOTAL: \$64,381.00
Woodruff Construction, LLC Tiffin, IA	5%	\$51,600.00 Base \$15,200.00 Add Alt. TOTAL: \$66,800.00

Voice vote-Ayes: Seven. Motion carried.

146440 - Lind/Amos

that proof of publication of notice of public hearing on the Complete Improvements to the Roofing and Exterior Siding on T-Hangar Row B at Waterloo Regional Airport, as published in the Waterloo Courier on August 5, 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.

146441 - Lind/Amos

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

146442 - Lind/Amos

that "Resolution confirming approval of plans, specifications, form of contract, etc.", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-654.

146443 - Lind/Amos

that "Resolution authorizing to proceed", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-655.

146444 - Lind/Amos

Motion to receive and file and instruct City Clerk to read bids and refer to Airport Director for review.

Bidder	Bid Security	Bid Amount
Modern Builders, Inc. Janesville, IA	5%	\$102,850.00
Woodruff Construction, LLC Tiffin, IA	5%	\$118,086.00

Voice vote-Ayes: Seven. Motion carried.

146445 - Welper/Lind

that proof of publication of notice of public hearing on the Sidewalk Inspection and Repair Program - Zone 6, as published in the Waterloo Courier on August 1 & August 8, 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.

Amanda Stowman, 1112 Oregon Street, expressed concern with repairing the sidewalk square as the neighbors do not have sidewalks.

John Cook, 1157 Liberty Avenue, expressed concern with the repair being requested on his sidewalk as he does not feel it meets the requirements.

146446 - Welper/Lind

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

146447 - Welper/Lind

that "Resolution authorizing to proceed with Sidewalk Inspection and Repair -- Zone 6", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-656.

146448 - Welper/Lind

that proof of publication of notice of public hearing on the F.Y. 2017 Sidewalk Repair Assessment Program - Zone 6, Contract No. 909, as published in the Waterloo Courier on August 1, 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.

Deb Volker, 1958 W. 6th Street, expressed concern that costs might be added to her property taxes next year.

146449 - Welper/Lind

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

146450 - Welper/Amos

that "Resolution confirming approval of plans, specifications, form of contract, etc.", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-657.

146451 - Welper/Amos

that "Resolution authorizing to proceed", be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-658.

146452 - Welper/Amos

Motion to receive and file and instruct City Clerk to read bids and refer to City Engineer for review.

Bidder	Bid Security	Bid Amount
Midwest Concrete, Inc. Peosta, IA	5%	\$347,123.44
JDA Construction Marshalltown, IA	\$24,500.00	\$438,958.40

Voice vote-Ayes: Seven. Motion carried.

RESOLUTIONS

146453 - Lind/Amos

that "Resolution approving Methamphetamine Drug Hot Spots grant money as a sub recipient from the Governor's Office of Drug Control Policy in the amount of \$23,597.00, with no matching funds required, to provide overtime funds to assist in mid and high level methamphetamine investigations; and authorize Mayor to execute said document", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-659.

146454 - Lind/Amos

that "Resolution authorizing an exception to the City of Waterloo purchasing procedures to approve the purchase of replacement garbage carts from Toter, Inc, of Statesville, NC in an amount not to exceed \$68,250 including freight", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-660.

146455 - Lind/Amos

that "Resolution approving award of hotel/motel tax council discretionary funds to Aspire Therapeutic Riding Program in the amount of \$7,500, Cedar Valley SportsPlex 2016 Marketing Campaign in the amount of \$11,000, and Union Baptist Crusaders Drill Team in the amount of \$5,000", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-661.

146456 - Amos/Lind

that "Resolution approving completion of Project and Acceptance of Work performed by KWS, Inc. of Cedar Falls, Iowa for the Safe Routes To School Grant Project Number SRTS-U-8155(729)--8U-07, at the intersection of W. 5th Street and Baltimore Street with a total cost of \$123,211.90 and release retainage of \$6,160.60", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-662.

146457 - Amos/Lind

that "Resolution approving Completion of Project and Recommendation of Acceptance of Work Performed for the artwork portion of the project performed by Christopher Bennett, of Keosauqua, Iowa, at a total cost of \$90,000.00 in conjunction with F.Y. 2012 Lou Henry Hoover Memorial Sculpture Garden, Contract No. 803", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-663.

146458 - Amos/Lind

that "Resolution approving Third Amendment to Development Agreement with Deer Creek Development, LLC for the overall development of infrastructure of the Greenbelt Centre Business Park by adding one year to the previous 10-year time frame for infrastructure build-out, and authorize Mayor and City Clerk to execute all necessary documents", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-664.

146459 - Jacobs/Amos

that "Resolution approving the request by Iowa Heartland Habitat for Humanity for the 14-lot final plat of Irving Square Addition, located at the former Irving Elementary School at the corner of Hawthorne Avenue and W 6th Street. be adopted", Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-665.

146460 - Jacobs/Amos

that "Resolution approving a contract with HR Green for on-site visits by staff to observe the progress of the various stages of demolition of the remaining rail road spur at the former Chamberlain Manufacturing site in the amount of \$1,500 and authorize the Mayor to execute the same", be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-666.

ORDINANCES

146461 - Lind/Amos

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. Roll call vote-Ayes: Five. Nays: Two (Morrissey, Jacobs) Motion failed due to lack of super majority vote of Council.

John Harshberger, 1973 Redtail Drive, Crossroads Mall representative, explained that they are at a stalemate as the sign will still block the mall. The sign will not help visibility. Crossroads has been offered a spot on the sign but ownership does not believe it will be beneficial. They are still working with the DOT to get a monument sign but that has not been approved.

Tom Weber, 209 E. Main St. - Dunkerton, explained that it is a big sign but they have made a concession to allow the mall to advertise. They are doing what the ordinance requires and are doing what they can to be good neighbors.

Mr. Jacobs expressed concern with hindering the visibility of Crossroads.

Mr. Morrissey expressed concern with the distraction of billboards, lack of visibility of Crossroads Mall, and the clutter. He reiterated that the Planning and Zoning Commission has voted this measure down twice.

Mayor Hart asked if there are other digital signs in the area.

Mr. Weber explained that there are two signs and this one will face the opposite direction.

Mr. Powers questioned if Lamar pays taxes on the sign.

Mr. Weber explained they paid landowners over \$300,000 to Black Hawk County landowners and approximately \$30,000 in taxes.

Mr. Welper spoke in support of the signs being placed.

Mr. Jacobs stated that he supports signs but not by blocking Crossroads Mall.

Lynn Hennings, Pancharo's, spoke in opposition to the Billboard due to placement.

Mr. Schmitt explained that Lamar is complying with the rules and should be allowed.

Mayor Hart questioned procedures if council decides to hold all three votes.

Suzy Schares, City Clerk, stated that, if council votes for the first two readings and denies the third, the motion will fail.

Noel Anderson, Community Planning and Development Director, explained that staff recommends approval due to compliance with the rules. The Planning Commission failed the request due to the clutter issue and local opposition.

Mr. Jacobs asked for further explanation of the effects this sign will have on the area.

Mr. Harshberger explained how he believes this sign will add more visual noise to the area and will further block mall visibility.

Mayor Hart confirmed that the Crossroads Mall does not have its own signage.

Mr. Powers stated that he supports the idea of collecting taxes from the sky but he also desires to create and maintain business friendly corridors and believes that this sign would have an adverse effect on that area.

Suzy Schares, City Clerk, clarified that if this first reading does not pass, the motion would fail entirely.

Mr. Schmitt asked if this sign would block current signage.

Mr. Harshberger confirmed that it would.

Mr. Weber stated that he went to extensive measures to ensure that this sign would not block current signage.

Mr. Schmitt questioned where Planning & Zoning Staff stood on this issue.

Mayor Hart stated that staff was opposed to it.

Aric Schroeder, City Planning, explained that there are 9 voting members on the Planning and Zoning Commission and there were just 6 members present at the meeting where upon this item was voted. 6 members is a quorum.

Mr. Jacobs questioned the amount of taxes paid by Crossroads Mall and the number of businesses located there.

Mr. Harshberger estimated the number of businesses affiliated with Crossroads Mall at 62 and did not know the amount of taxes paid.

Mr. Jacobs expressed his appreciation for a single business' desire to grow but not at the expense of hindering business at the Crossroads Mall.

Mr. Powers stated that he would reconsider allowing this to pass for the first reading.

Suzy Schares, City Clerk, clarified that, since the Planning & Zoning Commission has already voted this down, it would take 6 yes votes from council for this to move forward.

ORAL PRESENTATIONS

Jim Chapman, 224 Bertch, questioned if a consultant will be hired to tell us how to fix University Avenue.

Dennis Gentz, Assistant City Engineer, explained that the City will hire a consultant to design University Avenue.

Mayor Hart explained that there will be community meetings addressing the needs within this project.

David Dryer, 3145 W. 4th Street, questioned why the garbage guys are picking up garbage later in the day.

Mark Rice, Public Works Director, explained that there are people on vacation and there are different people running the routes. There is no turn by turn navigation in the garbage trucks and different drivers may simply be running the routes in different orders. He confirmed that Mr. Dryer's garbage was being collected.

146462 - Welper/Lind

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

ADJOURNMENT

146463 - Welper/Lind

that the Council adjourn at 6:34 p.m. Voice vote-Ayes: Seven. Motion carried.

Suzy Schares, CMC
City Clerk/Human Resource Director