

September 19, 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, September 19, 2016. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Powers, Amos, Schmitt, and Welper.

Absent Lind

Prayer or Moment of Silence.

Pledge of Allegiance: Paul Huting, Leisure Services Director.

146552 - Welper/ Schmitt

that the Agenda, as amended, by moving Oral Comments after the Consent Agenda, for the Regular Session on Monday, September 19, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Motion carried.

146553 - Welper/Schmitt

that the Minutes, as proposed, for the Regular Session on Monday, September 12, 2016, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Motion carried.

CONSENT AGENDA

146554 - 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 September 19, 2016, in the amount of \$2,164,244.65 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. 2016-734.

2. Resolution approving request for permission for East High School to hold their annual homecoming parade on September 30th, 2016 from 2:00 p.m. to 3:00 p.m. utilizing the area around East High and downtown streets..

Resolution adopted and upon approval by Mayor assigned No. 2016-735.

3. Resolution approving the request of Thomas Harbaugh for tax exemptions on the construction a new single family home valued at \$159,900 for property located at 1004 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-736.

4. Resolution approving the request of Steven Tomkins for tax exemptions on the construction of a new single family home valued at \$175,000 for property located at 4123 Mourning Dove Drive, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-737.

5. Resolution approving the request of Josh Dicken & Lindsey Schuler for tax exemptions on the construction a new single family home valued at \$278,094 for property located at 1148 Partridge Lane, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-738.

6. Resolution approving the request of Adan Mujakic for tax exemptions on the construction of a new single family home valued at \$303,567 for property located at 1132 Partridge Lane, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2016-739.

7. Resolution setting the date of public hearing as October 3, 2016 to vacate, sell and convey a portion of Logan Avenue frontage road right-of-way adjacent to 2038 Logan Avenue to North Crossing, LLC, in the amount of \$1.00, and authorize City Clerk to publish said notice.

Resolution adopted and upon approval by Mayor assigned No. 2016-740.

8. Resolution preliminarily approving plans, specifications, form of contract, etc. and setting date of bid opening as October 6, 2016 and date of public hearing as October 10, 2016 for the F.Y. 2017 Levee Tree Clearing - Cedar River (Northeast), Contract No. 908; and instruct City Clerk to publish notice of plans, specifications, form of contract, etc.

Resolution adopted and upon approval by Mayor assigned No. 2016-741.

9. Resolution approving request from Ted Gehrke for a waiver for a concrete driveway to be located at 1306 Jersey Lane 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. 2016-742.

10. Resolution approving cancellation of special assessments for properties listed on Exhibit A, and authorize City Clerk to notify Black Hawk County Treasurer of said cancellations.

Resolution adopted and upon approval by Mayor assigned No. 2016-743.

b. Motion to approve the following:

1.

Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date
				Includes Sunday
a.	Bamboo Ridge Campground, 4550 Hess Rd.	B Wine, C Beer	Renewal	09/14/2017
				X

Roll call vote-Ayes: Six. Motion carried. Motion carried.

ORAL PRESENTATIONS

Mayor Hart read a statement regarding Chief Trelka and a new community policing program. Mayor Hart explained that the Chief Trelka will be the Police Chief and not the Director of Safety Services and Fire Chief Treloar will remain as Fire Chief of the Fire Department.

Kara Bigelow-Baker, 1826 Quail Run Trail, requested extra time to speak but was not present.

Pete Miles, 5154 Foulk Rd., spoke regarding the media coverage of the Police Department and in support of Chief Trelka.

Mayor Hart commented that this was his conversation with a staff member and that council was not involved and do not deserve to have comments directed at them. Mayor commented that a staffing study will take place to look at staffing to handle service calls.

Dan Trelka, Chief of Police, commented that 222 service calls occur per day.

Joyce Wilder, 225 Bates Street, commented that she wants to work with the city concerning criminal activities occurring in her neighborhood and spoke in support of Chief Trelka.

Helen Seenster, 4040 Homer St., spoke in support of Mayor Hart and Chief Trelka and commented on vandalism that has damaged a building she owns on Wellington Street.

Latonya Graves, 607 E. Donald St., commented on the negative comments online and encouraged everyone to work together on making an impact in the lives of young people in Waterloo.

Kim Bindle, 101 Highland Dr., spoke in support of Chief Trelka.

Daniel Tovar, 626 Hickory St., commented on criminal activity and policing in Waterloo. He also expressed his belief that the Mayor is out of touch with the violence and shootings in this community.

Mayor Hart commented on violence and shootings happening in his neighborhood.

James Cook, God’s Advocate & Evangelist Against Injustice, spoke about impartiality in policing and his experiences with Chief Trelka. He encouraged the community to contact him at 319-883-8516.

Janelle Stuvén, 533 Eastgate Dr., spoke regarding the insufficient number of police officers serving Waterloo.

Christopher, I Hope Ministry Base of Waterloo, read a quote from Martin Luther King, Jr., and thanked Mayor Hart for working with Chief Trelka.

Bruce W. Kaesser, 500 Sycamore St., encouraged residents of Waterloo to volunteer to help children.

Lynne Neil, 514 Kingbard Blvd., encouraged residents to attend the follow up meetings on community policing.

Jim Chapman, 224 Bertch, commented on the positive encounters he has had with Chief Trelka.

Cherie Kabba, 1155 Dixon Dr. Apartment 1, commented on the positive encounters she has had with Chief Trelka.

Joami Short, 722 South Hackett Rd., commented on the positive encounters she has had with Chief Trelka. She encouraged citizens to work together to create change in Waterloo.

Andrea Anderson, 912 W. 7th St., commented on the lack of discipline she has seen for police officers involved in her son’s case.

David Goodson, 226 Campbell Ave., commented on positive interactions he has had with Chief Trelka. He further commented on negative interactions he has had with police officers.

Pauletta Nelson, 1694 Mount Caramel Dr., commented on the need for activities for children in the community.

146555 - Morrissey/Amos

to recess for 5 minutes. Roll call vote-Ayes: Six. Council took recess at 6:35 p.m.

146556 - Schmitt/Powers

to reconvene the meeting at 6:42 p.m. Voice Vote-Ayes: Six.

Mayor Hart reminded the public to follow oral comment rules of conduct.

Belinda Creighton Smith, 416 Oliver Street, commented that the community needs to work together to make the community better and encouraged officers to work with the community, and encouraged the Department of Justice to help the Waterloo Police Department.

Kelly Carl, 444 Reber Avenue, encouraged the community to come together to make the community a better place and encouraged the media to get the story straight prior to reporting.

Curt Bartlett, 8401 Hudson Rd, Hudson, IA, encouraged everyone to show respect to one another and spoke in support of Chief Trelka and Mayor Hart.

Darrel Caldwell, Sr., 1124 W. Donald St., commented on officers who have helped him and encouraged everyone to make positive change in their community.

Lawrence Wheeler, 433 Bratnober, suggested changing the graphics on the city's patrol cars.

Rosetta Robinson, address not offered, commented on the need for activities for youth in Waterloo.

Kate McElligott, 3828 Jay Lane, commented on police treatment of a man in Waterloo that she read about in the newspaper.

Billie Shellman, 314 Wellington St., commented on a negative experience she had with a police officer.

Mayor Hart explained that a complaint process exists and complaints will be investigated.

Michael Muhammad, 531 Commercial St., commented on the need to hold police officers and people in leadership positions accountable for their actions.

Leon Mosley, 99 Mosley Street, spoke in support of Chief Trelka and commented on the violence between youth at the Cattle Congress Fair and finding solutions for violence in our community. He recommended that the city invite Charlie Aldrich to be involved in making changes in our community.

Mayor Hart stated that this has been a difficult time for both him and the community.

146557 - Welper/Schmitt

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

RESOLUTIONS

146558 - Schmitt/Welper

that "Resolution approving a grant application to the Northeast Iowa Community Foundation, in an amount up to \$15,508, to replace ash trees in Bontrager and C.A.Morris Park", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-744.

146559 - Schmitt/Welper

that "Resolution approving fee increases for SportsPlex Memberships and Sports Program Fees, together with the approval of the Leisure Services Commission", be adopted. Roll call vote-Ayes: Six. Motion carried.

Paul Hutting, Leisure Services Director, commented on the total revenue that was misreported in the newspaper. Total revenue was reported as \$150,000.00 but the actual projected figure is \$30,000.00.

Mayor Hart questioned if scholarships would be available for those who cannot afford the increase.

Paul Hutting confirmed that financial help is available to low income families through the Key Card Program.

Steve Schmitt questioned how our rates compare with others.

Mark Gallagher, Recreation Services Manager, explained that it is difficult to find anything comparable to what the SportsPlex has to offer, but our rates are very comparable to other local facilities such as the YMCA and The W in Waverly.

Mr. Morrissey questioned if some of the \$30,000 dollars would be allocated to repairs.

Paul Hutting explained that the money would be used for improvements.

Mr. Amos questioned if original members have been affected by the fee increases.

Paul Hutting explained that this increase is the first increase for original members.

Mark Gallagher clarified that last year's increase of \$1/unit was for new members and existing members had not seen an increase until now.

Resolution adopted and upon approval by Mayor assigned No. 2016-745.

146560 - Schmitt/Welper

that "Resolution approving an Agreement with Berens-Tate Consulting Group to complete required arbitrage testing for the sewer revenue bonds issued in 2011 in an amount not the exceed \$3,000, and authorize Mayor and City Clerk to execute said documents", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-746.

146561 - Morrissey/Amos

that "Resolution approving acceptance of 2016 GTSB Highway Safety Grant of \$55,000 for impaired driving enforcement", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-747.

146562 - Morrissey/Amos

that "Resolution approving 28E Agreements with Elk Run Heights, Cedar Township, and East Waterloo Township, to provide fire and EMS protection and authorize the Mayor to execute said documents", be adopted. Roll call vote-Ayes: Six. Motion carried.

Mr. Schmitt requested more information on fees outlined in the agreement.

Pat Treloar, Chief of Fire Services, explained the fees which included a three percent fee increase.

Resolution adopted and upon approval by Mayor assigned No. 2016-748.

146563- Morrissey/Amos

that "Resolution approving Memorandum of Agreement with Hawkeye Community College to conduct Fire Science classes at the Hazardous Materials Regional Training Center", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-749.

146564 - Morrissey/Amos

that "Resolution in support of the nomination of Hotel President for the National Register of Historic Places, located at 500 Sycamore, and authorize Mayor to sign necessary documents", be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-750.

146565 - Amos/Schmitt

that "Resolution approving the lease agreement with Bradley and Aubry Baldwin for 321 West 6th Street, for \$1.00, plus utilities, etc. for one year and authorize the Mayor and City Clerk to sign and fully execute all necessary documents", be adopted. Roll call vote-Ayes: Six. Motion carried.

Mr. Schmitt requested more information on the item.

Noel Anderson, Community Planning and Development Director, explained the lease agreement.

Resolution adopted and upon approval by Mayor assigned No. 2016-751.

146566 - Amos/Schmitt

Motion approving Final Quantity Summary for a net increase of \$1,725.00, for the F.Y. 2016 Lower Plaza Fencing, Contract No. 915 and authorize the Mayor and City Clerk to execute said document", be adopted. Roll call vote-Ayes: Six. Motion carried.

146567 - Amos/Schmitt

that “Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Chyma's Machine and Welding Shop, Inc., of Toledo, Iowa, at a total cost of \$30,109.26 for the F.Y. 2016 Lower Plaza Fencing , Contract No. 915”, be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-752.

146568 - Welper/ Morrissey

that “Resolution approving Professional Service Agreement with AECOM Technical Services, Inc. for an amount not to exceed \$75,000.00 in conjunction with the F.Y. 2017 Biennial Bridge Review Program; and authorize Mayor to execute said document”, be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-753.

146569 - Welper/ Morrissey

that “Resolution approving Preconstruction Agreement with Iowa Department of Transportation for primary road improvements in conjunction with the US Highway 63 projects from Jefferson Street to Conger/Newell Street; and authorize Mayor and City Clerk to execute said document”, be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-754.

146570 - Welper/Morrissey

that “Resolution approving Treatment and Flow Control Agreement with Conagra Foods Packaged Foods Company, LLC, in the amount of \$5,000 per month with an annual 2.5% automatic increase over the next 5 years, and directing Mayor to execute said agreement”, be adopted. Roll call vote-Ayes: Six. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2016-755.

ORDINANCES

146571 - Morrissey/Amos

that “an Ordinance amending the 2007 Code of Ordinances of the City of Waterloo, Iowa, by repealing Title 9, Chapter 2, Section 2 Codes Adopted, Subsection A and enacting in lieu thereof a new Title 9, Chapter 2, Section 2 Codes Adopted, Subsection A, and repealing Title 9, Chapter 2, Section 8 Amendments, and enacting in lieu thereof a new Title 9, Chapter 2, Section 8 Amendments in conjunction with the Fire Code Ordinance Amendment”, be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Six. Motion carried.

146572 - Morrissey/Amos

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Roll call vote-Ayes: Four. Nays: Two (Schmitt and Jacobs). Motion failed.

146573 - Schmitt/Morrissey

that “an Ordinance amending the 2007 Code of Ordinances of the City of Waterloo, Iowa, by repealing Chapter 1, Building Code, and Article A, Building Contractors, of Chapter 1, Building Code, of Title 9, Building Regulations, in their entirety; and enacting in lieu thereof new Chapter 1, Building Code, and Article A, Building Contractors, of Chapter 1, Building Code, of Title 9, Building Regulations in conjunction with the Building Code Ordinance Amendment”, be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Six. Motion carried.

John Sherbon, 1715 Robin Road, commented on the reduction in size of structures not requiring permits.

146574 - Schmitt/Morrissey

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Roll call vote-Ayes: Three. Nays: Three (Jacobs, Morrissey, and Schmitt). Motion failed.

146575 - Morrissey/Amos

that “an Ordinance repealing Title 5, Chapter 4 Convenience Store Security in its entirety and enacting in lieu thereof a new Title 5, Chapter 4 Surveillance Camera for Certain Businesses in conjunction with Surveillance Camera for Certain Businesses”, be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Six. Motion carried.

146576 - Schmitt/Jacobs

to table for two weeks to further explore the ordinance with business leaders. Voice vote: Six. Motion carried.

Mr. Schmitt expressed his desire to table this item in order to move forward as planned previously with this item.

Mayor Hart questioned the length of time to table.

Kelley Felchle, Deputy City Clerk, stated that the item had previously been tabled for two weeks with direction to have discussion with business leaders within the community.

Mayor Hart questioned whether any of that discussion had taken place or if more time was needed in order to do so.

Mr. Schmitt stated that he had sent an email to begin that process and had not received response to that email.

Lieutenant Greg Fangman explained that in the past two months he has received two phone calls from business owners about the ordinance.

Mr. Schmitt commented that business leaders have contacted him with concerns about the ordinance.

Mr. Morrissey questioned if the ordinance could be passed for a second time.

Mr. Schmitt stated that he would approve the second reading and reiterated his desire for a table of two weeks..

Mayor Hart asked Mr. Powers and Mr. Schmitt to come up with a list of business leaders to nominate for this task. He asked Chief Trelka and Lt. Fangman to also be a part of it.

OTHER COUNCIL BUSINESS

146577 - Welper/Amos

that motion approving Change Order No. 2 for a net increase of \$46,684.40 for the F.Y. 2014 Belt Filter Press Addition, Waterloo Pollution Control Facility, Contract No. 869, and authorize the Mayor and Council to execute said document, be received, placed on file and approved. Roll call vote-Ayes: Six. Motion carried.

Mr. Morrissey commended all involved in the Waterloo Community Playhouse production of To Kill a Mockingbird. He invited everyone to attend a meeting on race relations to be held in the Hope Martin Theater on Tuesday, September 20 at 7:00 PM

ADJOURNMENT

146578 - Welper/Schmitt

that the Council adjourn at 7:42 p.m. Voice vote-Ayes: Six. Motion carried.

Kelley Felchle
Deputy City Clerk