

January 17, 2017

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 Tuesday, January 17, 2017. Mayor Pro Tem Ron Welper in the Chair. Roll Call: Jacobs, Morrissey, Powers, Lind, Amos, Schmitt, and Welper.

Prayer or Moment of Silence.

Pledge of Allegiance: Dennis Clark, General Manager Waterloo Water Works

145944 - Schmitt/Morrissey

that the Agenda, as proposed, for the Regular Session on Monday, January 17, 2017, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

145945 - Schmitt/Morrissey

that the Minutes, as proposed, for the Regular Session on Monday, January 9, 2017, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

#### ORAL PRESENTATIONS

Mr. Schmitt commented that he received a call regarding the construction of the Dupaco building that is now demolished.

Noel Anderson, Community Planning and Development Director, explained that they were putting two large additions on the building and were approved through the Highway 218 Design Review Board for changes to the building.

Mr. Lind questioned if the city has reached out to the two businesses that recently closed in order to see if opportunities exist to keep them in Waterloo.

Noel Anderson explained that he is working with the Greater Cedar Valley Alliance and attempting to make contact with both companies in terms of additional opportunities for personnel. Iowa Workforce Development has been contacted to help employees find employment opportunities.

145946 - Schmitt/Lind

No comments filed.

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

#### CONSENT AGENDA

145947 - Schmitt/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 January 17, 2017, in the amount of \$923,422.09 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. 2017-23.

2. Resolution approving the request of Katy Hackett for tax exemptions on the construction of home improvements, valued at \$60,000, for the property located at 515 Riverside Drive, and located within the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2017-24.

- 3. Resolution approving the request of Samir Duraton for tax exemptions on the construction of a new single family home, valued at \$300,000, for property located at 1462 South Hill Drive, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2017-25.

- 4. Resolution approving the request of Kim Griffith for tax exemptions on the construction of a new single family home, valued at \$376,488, for property located at 1156 Partridge Lane, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2017-26.

- 5. Resolution approving the request of Drew Dana for tax exemptions on the construction of a new single family home, valued at \$203,120, for property located at 1418 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2017-27.

- 6. Resolution approving the request of Charles R. Hoecker for tax exemptions on the construction of a new single family home, valued at \$203,000, for property located at 1408 Hummingbird Circle, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2017-28.

- 7. Resolution approving the request of Maida Karajic and Mark Crawford Jr. for tax exemptions on the construction of a new condo, valued at \$189,000, for property located at 710 Grindstone Circle and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2017-29.

- 8. Resolution approving preliminary specifications, bid document, form of contract, etc. and setting date of bid opening as February 2, 2017 and date of public hearing as February 6, 2017, for the purchase of two (2) Chevrolet Impala sedans, for the Police Investigation Division, and instruct the City Clerk to publish notice of specifications, bid document, form of contract, etc.

Resolution adopted and upon approval by Mayor assigned No. 2017-30.

- 9. Resolution approving preliminary specifications, bid document, form of contract, etc. and setting date of bid opening as February 9, 2017 and date of public hearing as February 13, 2017, for the purchase of one (1) FWD/AWD Cargo Van, to support the Animal Control operation, and instruct the City Clerk to publish notice of specifications, bid document, form of contract, etc.

Resolution adopted and upon approval by Mayor assigned No. 2017-31.

- 10. Resolution approving cancellation of assessment for 107 Prospect Avenue in the amount of \$21.71, and authorize City Clerk to notify Black Hawk County Treasurer of said cancellation.

Resolution adopted and upon approval by Mayor assigned No. 2017-32.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Abraham Funchess, Jr., Executive Director	2017 National Community Reinvestment Coalition Annual Conference	Washington, D.C.	March 27-31, 2017	\$3,645.00

b.

Bryan Foster, Forestry Specialist	Shade Tree Short Course and INLA Tradeshow	Ames, IA	February 21- 23, 2017	\$270.00
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2.

Approved Beer, Liquor, and Wine Applications					
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Club Ambassador, 313 W. 5th Street	C Liquor	New	12/15/2017	X
b.	King Star, 2035 E. Mitchell Avenue	B Native Wine / C Beer	New	1/17/2018	X

3. Cigarette/Tobacco Permit New Application for We Got Glass, LLC DBA We Got Glass, 2166 Lafayette Street.

4. Recommendation of appointment of Daniel E. White, to the position of Equipment Operator I, in the Street Department, effective January 23, 2017, pending completion of pre-employment testing.

Mr. Lind questioned the specifications of items 1.A.8 and 1.A.9 and if it limits the ability to get competitive bids.

Mark Rice, Public Works Director, explained the specifications.

Mr. Schmitt questioned the travel request for Mr. Funchess, Jr. is similar to previous requests submitted by Community Development.

Abraham Funchess, Waterloo Human Rights Director, explained his travel is different from the travel for Community Development.

Mr. Schmitt questioned if item 1.B.4. is the position that was approved last week at the Human Resources Committee meeting.

Mark Rice confirmed.

Roll-call vote-Ayes: Six. Nays: One (Schmitt on item 1B4). Motion carried.

PUBLIC HEARINGS

145948 - Morrissey/Amos

that proof of publication of notice of public hearing for review of bids for sale and conveyance of certain tracts of land, formerly portions of West San Marnan Drive right-of-way, located adjacent to Sunnyside Country Club, as published in the Waterloo Courier on December 30, 2016, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of public hearing, the Mayor Pro Tem called for written and oral objections.

Mr. Lind questioned if the letter the plaintiff sent would constitute a comment on file.

Kelley Felchle, City Clerk, explained the letter was sent from opposing counsel to City Attorney regarding the lawsuit and not the public hearing.

Forest Dillavou, 1725 Huntington Road, requested that the city not proceed.

145949 - Morrissey/Amos

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

Mr. Jacobs requested an explanation of the item.

Dave Zellhoefer, City Attorney, explained the status of the lawsuit and that the city has no intention of doing anything until a decision has been made by the Supreme Court.

145950 - Morrissey/Amos

that “Resolution authorizing to proceed pursuant to Iowa Code §306.23”, be adopted. Roll-call vote-Ayes: Five. Nays: Two (Lind, Schmitt). Motion carried.

Mr. Lind asked for clarification on the action to proceed.

Dave Zellhoefer explained that the city could work on some things so that it is ready to act when the Supreme Court rules.

Mr. Schmitt questioned the preemptive work Mr. Zellhoefer will be doing.

Dave Zellhoefer explained his thoughts on the process.

Mr. Schmitt questioned how much money the city has spent on the process.

Dave Zellhoefer commented that he does not have the exact figure at this time.

Mr. Schmitt commented that he heard that the city has spent over \$100,000.

Mr. Jacobs questioned whether the work that Mr. Zellhoefer would do would be costly or would it be mainly administrative.

Dave Zellhoefer explained it would not include any costs above normal staff time, and that in doing so, we would be ready rather than starting all over again.

Mr. Powers requested clarification of what doing nothing meant in regard to the Supreme Court decision.

Dave Zellhoefer clarified he would not be filing anything with the courts.

Mr. Schmitt questioned if the issue would come back to us even if it is ruled in our favor.

Dave Zellhoefer stated he could not make that prediction.

Mr. Morrissey commented that he did not read into the record that no bids were received.

Resolution adopted and upon approval by Mayor assigned No. 2017-33.

145951 - Schmitt/Morrissey

that proof of publication of notice of public hearing on the purchase of two (2) pickup trucks for the Building Inspection Department, as published in the Waterloo Courier on January 6, 2017, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of public hearing, the Mayor Pro Tem called for written and oral objections and there were none.

David Dryer, 3145 W. 4<sup>th</sup> Street, questioned what happens to old vehicles when they are no longer in service.

Mark Rice, Public Works Director, explained that the city has standard schedules for replacing vehicles and the vehicles will be sold at sealed bid auction.

145952 - Schmitt/Lind

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

145953 - Schmitt/Lind

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. 2017-34.

145954 - Schmitt/Lind

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

Resolution adopted and upon approval by Mayor assigned No. 2017-35.

145955 - Schmitt/Morrissey

Motion to receive and file and instruct City Clerk to read bids and refer to the Public Works Director for review.

Bidder	Bid Security	Bid Amount
Karl Chevrolet Ankeny, IA	N/A	\$53,665.78
Pat McGrath Chevyland Cedar Rapids, IA	N/A	\$51,442.00

Voice vote-Ayes: Seven. Motion carried.

RESOLUTIONS

145956 - Lind/Morrissey

that “Resolution approving a lease agreement with C & S Car Company for a 2017 Hyundai Santa Fe, VIN #5NMZUDLB2HH017488, to be used by the School Resource Officers for a six (6) month period at no cost to the City”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Mr. Powers commented that C&S Car Company has been a great private-public partnership and wanted to thank them.

David Dryer, 3145 W. 4<sup>th</sup> Street, questioned why the city would lease cars rather than utilize the current fleet.

Mr. Welper pointed out that there is no cost to the city in the lease agreement.

Resolution adopted and upon approval by Mayor assigned No. 2017-36.

145957 - Lind/Morrissey

that “Resolution approving Professional Services Agreement with Struxture Architecture, for design services for flood repairs at Riverfront Stadium, in an amount not to exceed \$30,000”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Mr. Jacobs requested an explanation of the item.

Paul Huting, Leisure Services Director, explained the agreement and that the total cost of repairs to the building are estimated to be between \$200,000 and \$300,000 in actual damage. He further noted Leisure Services is working with FEMA to help with what may not be covered by insurance.

Mr. Jacobs asked if anything could be done to prevent this happening in the future.

Paul Huting explained that the city has made structural changes to the building after the 2008 flood, and are working with FEMA on mitigation measures for the future.

Mr. Jacobs questioned if the city could get an estimate for a berm around the structure and if grant funds are available.

Paul Huting commented that Cedar Rapids used HESCO portable barriers and we may look at that as an option.

Resolution adopted and upon approval by Mayor assigned No. 2017-37.

### ORDINANCES

145958 - Morrissey/Amos

that “an Ordinance amending the Code of Ordinances by repealing Article B, Bus Stop Benches, of Chapter 2, Sidewalk Construction, Inspections and Repair, of Title 7, Public Ways and Property; and enacting in lieu thereof a new Article B, Bus Stop Benches, of Chapter 2, Sidewalk Construction, Inspections and Repair, of Title 7, Public Ways and Property”, be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Seven. Motion carried.

145959 - Morrissey/Amos

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

145960 - Amos/Schmitt

that “an Ordinance amending the 2007 Code of Ordinances of the City of Waterloo, Iowa, by repealing Title Seven, Chapter 1, Section 4 Curb Cuts, Subsection H, and Title Seven, Chapter Three, Section Four Permits, Subsection C in its entirety and enact in lieu thereof a new Title Seven, Chapter 1, Section 4 Curb Cuts, Subsection H Contractor's Bond, and Title Seven, Chapter Three, Section Four Permits, Subsection C Contractor's Bond”, be received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Seven. Motion carried.

Mr. Schmitt questioned if the dollar amount for this has been determined.

Eric Thorson, City Engineer, reviewed the increase in bond amounts and costs.

Mr. Schmitt asked about the timeline for this.

Eric Thorson explained that bonds typically expire at the end of April, but some renewals will be coming through soon and would like to get a letter out to notify contractors of the change, and before the Engineering Department starts receiving new bonds.

Mr. Schmitt questioned how contractors have been notified of the change.

Eric Thorson explained how the public is being notified.

145961 - Amos/Morrissey

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

### ADJOURNMENT

Mr. Schmitt commented that he would like for the city to look at making the Park Avenue bridge a pedestrian only bridge.

Mr. Welper said he believes the Fire Department needs that bridge to get to the west side.

Mr. Schmitt stated he sees them using the 5<sup>th</sup> Street bridge.

Mr. Morrissey commented that the Complete Streets Advisory Committee meets monthly and will be looking into this.

145962 - Morrissey/Powers

that the Council adjourn at 6:07 p.m. Voice vote-Ayes: Seven. Motion carried.

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Kelley Felchle  
City Clerk