

January 23, 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 Monday, January 23, 2017. 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

145963 - Welper/Schmitt

that the Agenda, as proposed, for the Regular Session on Monday, January 23, 2017, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

145964 - Welper/Schmitt

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

ORAL PRESENTATIONS

Sue Beach, Blue Zones, explained that they had the opportunity to help write a grant for the City of Waterloo and was approved by the United States Conference of Mayor's. The award went to cities with outstanding programs that encourage healthy weight through balanced diet choices and regular physical activity.

Keyah Levy, Wheaton Franciscan Healthcare, explained that Wheaton Franciscan Healthcare implemented a fruit and vegetable voucher program to help children at risk for childhood obesity that teaches them about nutrition and gives them vouchers to go to the local farmers market to purchase fresh fruits and vegetables.

Sue Beach further explained that additional voucher opportunities have been identified by working with the schools to help additional youth that could benefit from the fruit and vegetable voucher program. Ms. Beach shared a few statistics that show there is a need to continue to encourage healthy choices which will impact the community.

Sue Beach shared a video on the 2017 Childhood Obesity Prevention Award, which features Waterloo.

Sue Beach explained that the schools featured in the video are Blue Zone schools within the City of Waterloo and named the entities that have collaborated to help the program.

Mayor Hart thanked Sue Beach and Keyah Levy for their work on the grant.

David Dryer, 3145 W. 4th Street, commented that a barricade was put along San Souchi Island that allows him to access a fishing location and questioned if a grant from DNR that could be sought to allow people to better access fishing locations within the city.

Mr. Morrissey thanked Mayor Hart for getting the grant for the city and commented that Waterloo placed first in the United States and noted that it shows that sending the Mayor to the Conference of Mayor's is well worth the time and tax payer's money.

145965 - Welper/Schmitt

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

CONSENT AGENDA

145966 - 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 January 23, 2017, in the amount of \$4,654,521.85 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. 2017-38.

2. Resolution approving an Order Accepting Acknowledgment/Settlement Agreement and check for \$1,500.00, from Casey's General Store #5, 1604 LaPorte Road, Waterloo, Iowa, for tobacco sale to minor violation.

Resolution adopted and upon approval by Mayor assigned No. 2017-39.

3. Resolution approving an Order Accepting Acknowledgment/Settlement Agreement and check for \$1,500.00, from Westside Liquor, 919 W. 5th Street, Waterloo, Iowa, for sale of tobacco to minor, second violation.

Resolution adopted and upon approval by Mayor assigned No. 2017-40.

4. Resolution approving an Order Accepting Acknowledgment/Settlement Agreement for Affirmative Defense for Neighborhood Mart, 2100 Lafayette Street, Waterloo, Iowa for sale of tobacco to minor violation.

Resolution adopted and upon approval by Mayor assigned No. 2017-41.

5. Resolution approving an Order Accepting Acknowledgment/Settlement Agreement for Affirmative Defense, for Hy-Vee Gas #3, 1512 Flammang Dr., Waterloo, Iowa, for sale of tobacco to minor violation.

Resolution adopted and upon approval by Mayor assigned No. 2017-42.

6. Resolution setting date of public hearing as February 06, 2017, for a request by CRF Rentals, to rezone approximately 2.57 acres from "R-1", One and Two Family Residence District, to "R-1, C-Z", Conditional One and Two Family Residence District, for the purpose of allowing R-2 uses, daycare or professional office uses, located at 234 S. Hackett Rd, and instruct the City Clerk to publish pertinent notice.

Resolution adopted and upon approval by Mayor assigned No. 2017-43.

7. Resolution setting the date of public hearing as February 13, 2017, for a request by Chuck Heene, to rezone approximately 0.456 acres, from "R-4" Multiple Residence District to "R-4, C-Z", Conditional Multiple Residence District, for the purpose of allowing a grocery/retail store at 915-919 West 4th Street, and instruct the City Clerk to publish pertinent notice.

Resolution adopted and upon approval by Mayor assigned No. 2017-44.

8. Resolution setting a date of public hearing as February 6, 2017 to approve preliminary plans, specifications, form of contract, etc. and setting date of bid opening as February 2, 2017 for Demolition Services for 820 Newell Street, 915 Newell Street, 71 Franklin Street, 929 Linden Avenue, 426 Cherry Street, 310 Oak Street, 847 Dawson Street, and 414 Thompson Street, and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2017-45.

9. Resolution setting date of public hearing as February 6, 2017 to approve the request by Jon Hauptly for a site plan amendment to the "C-P" Planned Commercial District to allow for the construction of an 12,000 SF indoor recreation building with a 66-stall parking lot, located northeast of 1844 West Ridgeway Avenue, and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2017-46.

10. Resolution setting date of public hearing as February 13, 2017 to approve preliminary plans, specifications, form of contract, etc. and setting date of bid opening as February 9, 2017, for

the F.Y. 2017 Tree Clearing - City Composting Site, Contract No. 927; and instruct City Clerk to publish notice of plans, specifications, form of contract, etc.

Resolution adopted and upon approval by Mayor assigned No. 2017-47.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Sgt. McGeough & Richter	BCA Bureau of Criminal Apprehension: Ethics and Integrity Class	St. Paul, MN	February 21-23, 2017	\$1,158.00
b.	Inv. Pohl	Field Search v5.0 Computer Investigations class	Des Moines, IA	February 23, 2017	\$365.00

2.	Approved Beer, Liquor, and Wine Applications				
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Scoreboard Bar & Grill, 814 LaPorte Road (Transfer from 5th Street Sports Pub)	C Liquor	New	3/31/2017	
b.	Golf Headquarters, 1850 W. Ridgeway Ave, Suite 1	B Beer	Renewal	12/30/2017	X

3. Fireworks Display at Isle of Capri Casino, 777 Isle of Capri Blvd. (in the field west of the casino) on January 28, 2017 beginning at 9:00 p.m. for approximately 10-15 minutes for the Chinese New Year.
4. Motion to approve Exception to Burning Yard Waste Application for Hawkeye Community College Cedar Valley Arboretum & Botanical Gardens, to burn approximately 9.5 acres of prairie grass.

Mr. Schmitt questioned where the \$3,000 goes for items 1A2 and 1A3 on the consent agenda.

Dave Zellhoefer, City Attorney, explained that the funds go to the city’s general fund.

Mr. Schmitt questioned if there is a dollar amount associated with items 1A4 and 1A5.

Dave Zellhoefer explained that there is not any money associated with these two items. State law allows people to take a one-time class, and then present a certificate of completion, which exempts them from paying the fine. This can be done only once every four years.

Mayor Hart questioned if this is for the entire business or the employee.

Dave Zellhoefer explained this applies to the business. The employee could be issued a citation for violating a city ordinance, but the business bears the brunt.

Roll call vote-Ayes: Seven. Motion carried.

PUBLIC HEARINGS

145967 - Schmitt/Lind

that proof of publication of notice of public hearing on the sale of city owned property located at 1420 Byron Avenue to Bertha Johnson in the amount of \$5,000 and approve Development Agreement, as published in the Waterloo Courier on January 13, 2017, 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.

145968 - Schmitt/Amos

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

145969 - Schmitt/Lind

that “Resolution authorizing sale and conveyance of 1420 Byron Avenue to Bertha Johnson for \$5,000, and authorize City Attorney to prepare and deliver deed accordingly”, be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Mr. Schmitt questioned if there is a place that citizens can access a list of properties for sale.

Dave Zellhoefer explained that the Planning and Zoning Department maintains the list and it is also available on the city website.

Mr. Jacobs questioned the sale price of the house.

Dave Zellhoefer explained that the house has a hole in the roof and has had one for six years and because of the condition of the house it will cost a lot to tear it down.

Mr. Jacobs questioned if the city would be tearing it down.

Dave Zellhoefer stated it is to be rehabbed.

Mayor Hart explained that Mrs. Johnson wanted to buy it for \$5,000 so she could fix it up.

Resolution adopted and upon approval by Mayor assigned No. 2017-48.

145970 - Schmitt/Amos

that “approving Development Agreement and authorize Mayor and City Clerk to execute the agreement.”, be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2017-49.

145971 - Lind/Powers

that proof of publication of notice of public hearing on the purchase of six (6) Police patrol vehicles for the Police Department, as published in the Waterloo Courier on January 9, 2017, 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.

145972 - Lind/Powers

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

145973 - Lind/Morrissey

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

Resolution adopted and upon approval by Mayor assigned No. 2017-50.

145974 - 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. 2017-51.

145975 - Lind/Amos

Motion to receive and file and instruct City Clerk to read bids and refer to Public Works Director for review. Voice vote-Ayes: Seven. Motion carried.

Bidder	Bid Security	Bid Amount
Stivers Waukee, IA	N/A	Sedan: \$26,190 SUV: \$28,998
Bill Colwell Hudson, IA	N/A	Sedan: \$25,628 SUV \$28,576

Mayor Hart questioned the estimate of the purchase.

Mark Rice, Public Works Director, explained that the original bid estimate was \$148,000, depending on the bids. The goal was to split the purchase 50/50, three SUV’s and three sedans, but until bids are received it is difficult to know how that will fall. Rice commented that he will make a recommendation at the next council meeting.

RESOLUTIONS

145976 - Morrissey/Amos

that “Resolution approving an Encroachment Agreement with Richard L. Penn and Sharon L. Armfield-Penn to allow for the construction of a fence, plantings, bollards and other improvements into the city owned alley right-of-way, located adjacent to 322-324 W 4th Street”, be adopted. Roll call vote-Ayes: Seven. Motion Carried.

Mr. Schmitt requested an overview.

Noel Anderson, Community Planning and Development Director, explained the terms of the encroachment agreement.

Mr. Schmitt questioned if this would affect use of the alley.

Noel Anderson explained that this would not affect the use of the alley.

Resolution adopted and upon approval by Mayor assigned No. 2017-52.

145977 - Morrissey/Amos

that “Resolution awarding bid for two (2) pickup trucks, for the Building Inspection Department, to Pat McGrath Chevyland of Cedar Rapids Iowa in the amount of \$51,442”, be adopted. Roll call vote-Ayes: Seven. Motion Carried.

Resolution adopted and upon approval by Mayor assigned No. 2017-53.

145978 - Morrissey/Amos

that “Resolution approving Professional Services Agreement with JDE Engineering, of Waterloo, Iowa, in an amount not to exceed \$65,500.00, for construction related services, for the FY 2017 Wagner Road Sanitary Sewer Extension and Grading Project, Contract 899, and authorize Mayor and City Clerk to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion Carried.

Resolution adopted and upon approval by Mayor assigned No. 2017-54.

145979 - Amos/Powers

that “Resolution approving a Memorandum of Understanding, between the City of Waterloo and the Walnut Neighborhood Housing Coalition to promote development in the Walnut Neighborhood”, be adopted. Roll call vote-Ayes: Seven. Motion Carried.

Mayor Hart requested an overview of the Memorandum of Understanding.

Noel Anderson explained that the agreement outlines how the neighborhood is to be redeveloped and can be used as a model for working on redeveloping neighborhoods in the future.

Allie Parrish, 856 Sunrise Boulevard and Walnut Neighborhood Coalition, explained that the organization, along with several partnering entities, is interested in working with residents to redevelop housing in the neighborhood.

Mayor Hart thanked the individuals involved with helping put together the agreement along with councilmembers Amos, Schmitt, and Morrissey for their work on developing the agreement and creating a framework for future partnerships to help redevelop neighborhoods in the city.

Mr. Amos commented Mr. Powers has also helped with developing the agreement.

Charles Pearson, 1750 Flower Street, commented that he believes that Waterloo is on the backend of redeveloping historic neighborhoods as compared to other cities in the state. He encouraged the city to take a look at the survey that was done in the 1990s on the Walnut Neighborhood.

Resolution adopted and upon approval by Mayor assigned No. 2017-55.

145980 - Amos/Powers

that “Resolution approving an extension of a moratorium for a period of six (6) months, ending on July 31, 2017, on the issuance of a Special Permit or License for the establishment of any new recycling, junk or salvage yards.”, be adopted. Roll call vote-Ayes: Seven. Motion Carried.

Mr. Schmitt requested an overview of the item.

Noel Anderson explained that the city was approached by salvage yard owners to make the city ordinance line up closer with state law on regulations for salvage yards. Anderson further commented that the city currently has 20 salvage yards.

Resolution adopted and upon approval by Mayor assigned No. 2017-56.

ORDINANCES

145981 - Schmitt/Morrissey

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 third time and adopted. Roll call vote-Ayes: Seven. Motion carried.

Mr. Lind questioned if approval was granted from the Department of Justice on a plan for how to move forward.

Noel Anderson explained that the Department of Justice has not given final approval yet but if the ordinance is approved by council it will help show them that the city is moving forward.

Ordinance adopted and upon approval by Mayor assigned No. 5383.

145982 - Morrissey/Amos

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 second time. Roll call vote-Ayes: Seven. Motion carried.

145983 - 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.

ADJOURNMENT

145984 - Welper/Morrissey

that the Council adjourn at 6:12 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk