

February 12, 2018

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, February 12, 2018. Mayor Quentin Hart in the Chair. Roll Call: Jacobs, Morrissey, Shimp, Klein, Amos, Schmitt, and Juon.

Prayer or Moment of Silence.

Pledge of Allegiance: Eric Thorson, City Engineer

146533 - Juon/Schmitt

that the Agenda, as amended, by removing item 1.A.4., Resolution setting the date of public hearing as March 8, 2018 to approve the FYE2019 budget and instruct City Clerk to publish said notice, for the Regular Session on Monday, February 12, 2018, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Nays: One (Morrissey). Motion carried.

Mr. Morrissey commented that the agenda amendment should also include an addition to the agenda to allow for the reconsideration of the appointment of John Oehlrich to the Central Garage. He further explained how he views the hiring process works.

146534 - Juon/Schmitt

that the Minutes, as proposed, for the Regular Session on Monday, February 5, 2018, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Six. Nays: One (Morrissey). Motion carried.

Recognition and swearing in of three (3) Waterloo Fire Rescue Fire Recruits - Benjamin Lowe, Bradley Abraham and Elliott Moeller.

#### ORAL PRESENTATIONS

John Oehlrich, 1111 Forest Avenue, explained that since council voted against his appointment on February 5, 2018 he is now unemployed and asked council reconsider his appointment.

Daryl Hartema, 158 Fletch Road, asked councilmembers who did not attend the Budget Work Session on Saturday, February 10, 2018 to meet with the Interim Public Works Director about Central Garage Operations and encouraged council to do their research prior to voting on an issue.

Don Colvin, 1223 Rainbow Drive, expressed disappointment with council for choosing to not hire John Oehlrich.

Marcia Buttgen, 1510 Lyon Avenue, spoke in favor of hiring John Oehlrich and read a statement she sent to the council and City Clerk asking council to reconsider hiring John Oehlrich.

Don Share, 1415 Downing Avenue, suggested that the city fix the hiring process and to hire Mr. Oehlrich.

Jim Chapman, 224 Bertch, commented that he could see where Mr. Oehlrich is coming from and stated that he supports sending smaller vehicles out for oil changes at private businesses.

Ashley Boquist, 416 Shirley Avenue, urged council to hire Mr. Oehlrich.

Michael Boquist, 416 Shirley Avenue, asked the council to reconsider their vote.

John Sherbon, 1715 Robin Road, commented that the council should not have to vote for an individual again and understood that council members are voting by what they think is right. He further commented that he hopes that the city can reevaluate the process, do what they can for Mr. Oehlrich, and find healing.

Cindy Lyons, 530 Magnolia Parkway, commented that it is not a sin to make a mistake but that it is a sin to not rectify a mistake and asked council to hire Mr. Oehlrich.

Josh Powers, 5721 Blue Sage Road, commented on the need to hire Mr. Oehlrich and that it would be more efficient to do maintenance in house.

Bruce Kaesser, 500 Sycamore Street, commented that he is upset that council chose not to hire Mr. Oehlrich.

Mrs. Juon read a statement regarding not hiring Mr. Oehlrich and apologized for not speaking up during the meeting. She further asked the Mayor to review and adopt a hiring process that reflects the processes used by other large cities.

Mr. Morrissey asked fellow council members to reconsider their vote to not hire Mr. Oehlrich. He further commented that he believes the vote was out of order.

Mayor Hart commented that four councilmembers voted not to hire Mr. Oehlrich

Mr. Amos explained that he believes the choice to not hire Mr. Oehlrich was used by members of council to vote on lowering taxes. He noted that residents of his ward do not call him to complain about taxes and that the council has an obligation to the community to ensure the citizens have the services they need.

Mr. Schmitt requested that individuals from third and fourth ward get on the list for new lights.

146535 - Juon/Schmitt

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

#### CONSENT AGENDA

146536 - Juon/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 February 12, 2018, in the amount of \$2,512,095.72 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. 2018-75.

2. Resolution approving Order accepting Acknowledgment/Settlement Agreement and check for \$300.00 from Central Iowa Vapors, 2829 University Avenue, Waterloo, Iowa for sale of tobacco to minor violation

Resolution adopted and upon approval by Mayor assigned No. 2018-76

3. Resolution approving preliminary plans, specifications, form of contract etc., and setting date of bid opening as March 1, 2018, and date of public hearing as March 5, 2018, for the 2018 Spring Stump Removal Project, and instruct City Clerk to publish said notice.

Resolution adopted and upon approval by Mayor assigned No. 2018-77

4. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as March 1, 2018 and setting a date of public hearing as March 5, 2018, for demolition services at 807 East 4th Street and 809-811 East 4th Street, and instruct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2018-78

5. Resolution setting a date of public hearing as February 26, 2018 to approve Property Exchange Agreement between City of Waterloo and the Waterloo Community School District for the the sale and conveyance of city owned property (southern 10 acres of Miriam Park) and acquisition of the former Edison School site, and direct City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2018-79

- 6. Resolution setting date of hearing for February 26, 2018 for the approval of the Exchange Agreement and Assignment of Real Estate Contract with L & H Farms, Ltd. for the acquisition of property in Black Hawk County for exchange of property in the San Marnan TIF District in the amount of \$364,117 for 9.54 acres, and up to \$10,000 in closing costs, and direct City Clerk to publish said notice.

Resolution adopted and upon approval by Mayor assigned No. 2018-80

b. Motion to approve the following:

1.

Travel Requests					
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Eric Thorson, City Engineer	2018 American Public Works Association Spring Conference	West Des Moines, IA	April 5-6, 2018	\$525.00
b.	Sgt. Erie, Inv. Gergen, P.O. M. Girsch	International Law Enforcement Educators and Trainers Association Training Conference	St. Louis, MO	March 19-23, 2018	\$1,291.00
c.	Adam Wendling, Paramedic	Advanced Cardiac Life Support Instructor Course	Iowa City, IA	February 14, 2018	\$175.00
d.	Sgt. Rasmussen	Less Lethal Instructor Development Recertification	Pine City, MN	April 3-4, 2018	\$908.00

2.

Approved Beer, Liquor, and Wine Applications					
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Babes Tap, 210 Division Street	C Liquor License	Renewal	3/14/2019	
b.	Elite Cafe Bar, 1108 Jefferson Street	C Liquor License	Renewal	2/7/2019	x
c.	Prime Mart, 3535 Marigold Drive	B Wine/C Beer/E Liquor	Renewal	1/19/19	x
d.	The Other Place, 360 E. Ridgeway Avenue	C Liquor License	Renewal	1/25/2019	x

Mr. Schmitt requested the board appointments 1.B.3.A-E be removed from the consent agenda.

Roll call vote-Ayes: Seven. Motion carried.

APPOINTMENTS

146537 - Juon/Morrissey

1.B.3. A-E. Mayor Hart’s recommendation of the following appointments:

Appointee	Board/Commission	Expiration Date	New or Re-Appointment
Bob Bamsey	Leisure Services Commission	3/1/2021	New
Tom Powers	Leisure Services Commission	3/1/2020	New
Jadyn Spencer	Leisure Services Commission	3/1/2021	New

Marty Freshwater	Heating, Ventilation & Air Conditioning Mechanical Board for Licensing & Appeals	2/12/2021	New
Jeffrey Thompson	Heating, Ventilation & Air Conditioning Mechanical Board for Licensing & Appeals	2/12/2021	New

Mr. Schmitt questioned if the sub committees of council have been removed completely and who made the decision to remove the committees.

Mayor Hart explained that at the beginning of the year, he chose not to appoint members of council to standing committees and instead to create task forces for council and staff to study issues such as reorganization and traffic monitoring system. He explained that with board appointments the committee met and the whole council voted on the appointments in the same night.

Mr. Schmitt stated that he does not want to see subcommittee meetings go away because it allows council an opportunity to ask questions prior to the council meeting and is wondering who has the authority to do away with the subcommittees.

Mr. Morrissey commented that he is aware and supportive of the Mayor wanting to streamline standing committee items that could be handled during council meetings. He further commented that he reviewed the attached documents for the potential candidates, believes they are quality candidates and asked that council move forward with appointment.

Paul Huting, Leisure Services Director, explained that the Leisure Services Commission will have an organizational meeting in March and would like to have the appointments confirmed so that they can have a full board for the election of officers.

Mr. Schmitt commented that, for a number of years, individuals have applied to be on Leisure Services Commissions and have not been appointed. He further stated that the subcommittee meetings allow for more transparency.

Mayor Hart stated that in his two years as mayor there has never been more diversity, including, age, ethnicity, and professional experience placed on city boards and commissions and explained that he will do his best to continue keeping council informed on changes to standing committees but that he is trying to do something different to help improve the city.

Mrs. Juon commented that it seems redundant to approve committee members at the board level and then to come back to full council in the same night for review by council again.

Mr. Shimp asked for clarification on the duties of the Leisure Services Commission.

Paul Huting explained that the Leisure Services Commission is an advisory board, they vet fees and contracts and make a recommendation to council. He also stated that he is not aware of a backlog of applications and that one committee member ended their service early, which is why three appointments are appearing on the agenda. He further expressed support for the candidates.

Mr. Schmitt questioned the degree to which they are vetted. He stated that one of the candidates has outstanding legal issues and expressed concerns for appointing that individual.

Paul Huting explained that he is not aware of a background check being done on commission members.

Mr. Morrissey commented that he is aware of all of the candidates and has not heard of any outstanding legal issues.

Mrs. Juon commented that council has had access to the agendas since last Wednesday and that council owes it to staff to bring up concerns so that they can check it out ahead of time rather than making an accusation during a council meeting.

to call the question. Roll call vote-Ayes: Seven. Motion carried.

Roll call vote-Ayes: Four. Nays: One (Schmitt). Abstain: One (Klein) Motion carried. Abstain klein on powers Schmitt no powers.

### RESOLUTIONS

#### 146539 - Shimp/Morrissey

that “Resolution approving application to Black Hawk Gaming Association for a grant in the amount of \$12,000 for the Waterloo Fire and Police Departments to purchase of an unmanned aircraft system, with \$12,000 matching City funds, and authorize Mayor to execute all necessary documents”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

David Dreyer, 3145 W. 4<sup>th</sup> Street, requested clarification on why the cost of the drone is so high.

Pat Treloar, Fire Chief, explained that the grant amount is a high estimate.

Mr. Shimp questioned if employees will be trained to fly the drone.

Pat Treloar explained that it would need to be insured with pilots with policies.

Resolution adopted and upon approval by Mayor assigned No. 2018-81

#### 146540 - Shimp/Morrissey

that “Resolution approving submission of application for the 2017 Governor's Traffic Safety Bureau Impaired Driving Countermeasures Grant”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2018-82

#### 146541 - Shimp/Morrissey

that “Resolution approving acceptance of improvements of Greenbelt Centre Plat No. 1, performed by K Cunningham Construction Co. Inc., and Jesup Land Development Heartland Excavating, and receive and file two-year maintenance bonds”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Mr. Jacobs requested an overview of the Greenbelt Centre Plat.

Eric Thorson, City Engineer, provided an overview of the Greenbelt Centre Plat.

Resolution adopted and upon approval by Mayor assigned No. 2018-83

#### 146542 - Shimp/Morrissey

that “Resolution approving acceptance of improvements of Greenbelt Centre Plat No. 7, performed by K Cunningham Construction Co. Inc., and Jesup Land Development Heartland Excavating, and receive and file two-year maintenance bonds”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2018-84

#### 146543 - Shimp/Morrissey

that “Resolution approving acceptance of improvements of Greenbelt Centre Plat No. 8, performed by K Cunningham Construction Co. Inc., and Jesup Land Development Heartland Excavating, and receive and file two-year maintenance bonds”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2018-85

146544 - Morrissey/Shimp

that “Resolution authorizing the submission of a grant application to the Cedar Trails Partnership, for a maximum amount of \$2,500.00, and authorize the 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. 2018-86

146545 - Morrissey/Shimp

that “Resolution approving the Fourth Amendment to Development Agreement with Deer Creek Development, LLC to make annual payments of \$200,000 and add in the former Greyhound Park site for the Deer Creek agreement, and authorize the Mayor and City Clerk to execute all necessary documents”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Noel Anderson, Community Planning and Development Director, provided an overview of the agreement.

Mike Youngblut, 401 Rosebay, Hudson, provided an overview of the request.

Mr. Shimp questioned the timeline of the project.

Mike Youngblut explained that they are continuing to move forward with the project.

Mrs. Klein questioned if the city can go through a condemnation process for the property.

Noel Anderson explained the work Dave Zellhoefer and city staff did to get the state to change a law to allow cities to acquire property through 657A. He further explained that all groups including the Mesquawki Tribe are at the table working through the issues.

Mr. Jacobs encouraged council to support the item and work to develop the area while until the issues with the Greyhound Park are unresolved.

Mike Youngblut noted that the Greyhound Park has recently been assessed property taxes.

Noel Anderson noted that the Greyhound Park is already in the TIF district.

Mrs. Juon questioned what else would be included in the agreement.

Noel Anderson explained repayment process.

Mr. Schmitt’s comments on serving on board.

Resolution adopted and upon approval by Mayor assigned No. 2018-87

146546 - Shimp/Morrissey

that “Resolution approving settlement agreement with Mark Brandes and authorize Mayor to execute said agreement”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Forest Dillavou, 1725 Huntington Road, commented that the item does not include a dollar amount, questioned why the individual’s name was included and stated that in all of the years he has been coming to the meetings a name has never been included on settlement agreements with employees.

Kelley Felchle, City Clerk, explained that she researched previous settlement agreements placed on council agendas and that the wording used is exactly how they have been listed on agendas in the past.

Lance Dunn, Human Resources Director, explained that since it is a settlement agreement there are parameters within the agreement that state that this is all that can be disclosed at this time.

Dave Zellhoefer, City Attorney, explained that the terms of the agreement are confidential but that they may be released in the future.

Resolution adopted and upon approval by Mayor assigned No. 2018-88

ORDINANCES

146547 - Schmitt/Amos

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, located at 719 West 6th Street”, be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Seven. Motion carried.

146548 - 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: Four (Jacobs, Shimp, Klein, and Schmitt). Motion failed.

146549 - Morrissey/Shimp

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, located at and adjacent to 200 Nevada Street”, be received, placed on file, considered and passed for the third time and adopted. Roll call vote-Ayes: Seven. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 5438

146550 - Shimp/Morrissey

that “an Ordinance amending the 2008 Traffic Code, Section 540 - Obedience to Official Traffic-Control Devices, by deleting subsection (88) First Street (E) and Mulberry Street- Pre-timed and (90) First Street (E) and Sycamore Street - Pre-Timed, as signals have been removed”, be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Seven. Motion carried.

146551 - Shimp/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. (Klein and Schmitt). Motion failed.

146552 - Morrissey/Amos

that “an Ordinance the 2008 Traffic Code, Section 543 - Thru Streets by deleting Subsection (57) First Street (E) and adding in lieu thereof a new Subsection (57) First Street (E), as follows: (57) First Street (E) - Cedar River to Franklin Street except for signals at Lafayette Street and Franklin Street; and except Stop signs at Mulberry Street and Sycamore Street”, be received, placed on file, considered and passed for the second time. Roll call vote-Ayes: Seven. Motion carried.

146553 - 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: Three (Morrissey, Klein, and Schmitt). Motion failed.

ADJOURNMENT

146554 - Juon/Jacobs

that the Council adjourn at 7:13 p.m. Voice vote-Ayes: Seven. Motion carried.

---

Kelley Felchle  
City Clerk