

February 8, 2010

The Council of the City of Waterloo, Iowa, met in Regular Session at City Hall Council Chambers, Waterloo, Iowa, at 5:30 p.m., on Monday, February 8, 2010. Mayor Ernest G. Clark in the Chair. Roll Call: Cole, Getty, Jones, Greenwood, Schmitt, Welper, Hart.

Moment of Silence.

Pledge of Allegiance: Quentin Hart, Ward 4 Council Member.

130539 - Hart/Schmitt

that the Agenda, as proposed, for the Regular Session on Monday, February 8, 2010, at 5:30 p.m., be accepted and approved. Ayes: Seven. Motion carried.

130540 - Hart/Schmitt

that the Minutes, as proposed, for the Regular Session on Monday, February 1, 2010, at 5:30 p.m., be accepted and approved. Ayes: Seven. Motion carried.

Mayor Clark recognized Bryan Halverson for 30 years of service.

CONSENT AGENDA

130541 - Hart/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 Schedule AP642, pp. 1-70, dated February 8, 2010, in the amount of \$754,858.52, 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. 2010-60.

b. Motion to approve the following:

Travel Requests					
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
1.	Mike Rasmussen and Brice Lipert—Two (2) Police Investigators	Practical Homicide Investigations	Bloomington, Minnesota	June 6-9, 2010	\$1,740.00
2.	Kerry Devine, Kristin Hoelscher and Tom Schuster—Police Sergeant and Two (2) Police Investigators	Criminal Investigation School	Johnston, Iowa	March 29-April 2, 2010	\$945.25
3.	Brian Hoelscher—Police Investigator	Interview and Interrogation course	Waterloo, Iowa	April 12-13, 2010	\$150.00
4.	Monty Frana and Kye Richter—Police Sergeant and Investigator	Glock Armorers Re-certification	Waterloo, Iowa	March 18, 2010	\$300.00
5.	Mary Peterson—Administrative Secretary	18 th Annual SHRM State Legal and Legislative Conference	West Des Moines, Iowa	February 22-23, 2010	\$105.00
6.	Kent Shankle—Curator	Return Voice To Vision exhibition	Minneapolis, Minnesota	February 19, 2010	\$335.00
7.	Jamie Knutson—Associate Engineer	Greater Iowa Asphalt Conference	Des Moines, Iowa	March 3-5, 2010	\$367.48
8.	Kris Hoelscher—Police Investigator	Defensive Tactics Re-certification	Johnston, Iowa	April 21, 2010	\$125.00

9. Communication from Planner II Shane Graham transmitting request of David Lederman for tax exemptions on improvements totaling \$550,000.00 for property located at 3821 University Avenue and located in the Consolidated Urban Revitalization Area

c. Beer License Permit Application

Class C

City Liquor & Tobacco, 508 Broadway Street (Renewal) (Expires 2/28/11) (Includes Sunday Sales)

The Pit Stop, 1459 Ansborough Avenue (Renewal) (Expires 2/3/11) (Includes Sunday Sales)

d. Liquor License Permit Application

Class C

Tokyo Japanese Steakhouse, 126 E. Ridgeway Avenue (Renewal) (2/13/11) (Includes Sunday Sales)

Grand Café Bar, 1402 Black Hawk Street (Renewal) (2/9/11) (Includes Sunday Sales)

J & D Billiards, 910 W. 5th Street (New) (Expires 2/10/11) (Includes Sunday Sales)

Club Fever, 313 W. 5th Street (New) (Expires 2/15/11) (Includes Sunday Sales)

e. Liquor License Permit Application

Class E

City Liquor & Tobacco, 508 Broadway Street (Renewal) (Expires 2/28/11) (Includes Sunday Sales)

f. Wine License Permit Application

Class B

City Liquor & Tobacco, 508 Broadway Street (Renewal) (Expires 2/28/11) (Includes Sunday Sales)

Ayes: Seven. Motion carried.

PUBLIC HEARINGS

130542 - Schmitt/Welper

that proof of publication of notice of public hearing on F.Y. 2010 Arch Gate Replacement at Dry Run Creek, Contract No. 778, as published in the Waterloo Courier on January 29, 2010, be received and placed on file. Ayes: Seven. Motion carried.

130543 - This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

Schmitt/Welper

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

130544 - Schmitt/Welper

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with F.Y. 2010 Arch Gate Replacement at Dry Run Creek, Contract No. 778", be adopted. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-61.

130545 - Schmitt/Welper

that "Resolution ordering construction in conjunction with above project", be adopted. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-62.

Public Hearings continued

130546 - Schmitt/Welper

to receive, file and instruct City Clerk to open bids and refer to City Engineer for review:

<u>Bidder</u>	<u>Bid Bond</u>	<u>Bid Amount</u>
Cramer and Associates, Inc. Grimes, IA	5%	\$188,000.00
Ecinc Cedar Rapids, IA	5%	\$184,995.00
KEHE Construction Co. Waverly, IA	5%	\$187,650.00
Magee Construction Co. Cedar Falls, IA	5%	\$234,963.00
Peterson Contractors, Inc. Reinbeck, IA	5%	\$230,500.00
Prairie Construction Co., Inc. Waterloo, IA	5%	\$193,700.00
WRH, Inc. aka Wendler Construction, Inc. South Amana, IA	5%	\$196,000.00

Ayes: Seven. Motion carried.

BID OPENING

130547 - Getty/Hart

that "Resolution approving plans, specifications, form of contract, etc. in conjunction with Fire Rescue Uniforms for Waterloo Fire Rescue", be adopted. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-63.

130548 - Getty/Hart

to receive, file and instruct City Clerk to open bids and refer to Fire Chief for review:

<u>Bidder</u>	<u>Bid Bond</u>	<u>Bid Amount</u>
ON FILE IN THE CITY CLERK'S OFFICE		

Ayes: Seven. Motion carried.

RESOLUTIONS

130549 - Greenwood/Hart

that communication from Waterloo Center for the Arts Director transmitting submission of a grant application to Cedar Valley's Promise to fund preschool-related programs at the Waterloo Center for the Arts, be received, placed on file and "Resolution approving said application", be adopted. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-64.

130550 - Greenwood/Hart

that communication from Assistant City Attorney transmitting Acknowledgment/Settlement Agreement in the amount of \$300.00 with Chasers Pub, 3005 University Avenue, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age, be received, placed on file and "Resolution approving said agreement", be adopted and Mayor and City Clerk authorized to execute same. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-65.

Resolutions continued

130551 - Greenwood/Hart

that communication from Assistant City Engineer transmitting Acceptance of Improvements of the Sanitary Sewer, Storm Sewer & Paving serving Tower Park Drive Extension (Tower Park No. 5 & Tower Park No. 6), be received, placed on file and "Resolution approving said documents", be adopted and two-year Maintenance Bond from Hurst & Sons Contractors, Inc. of Waterloo, Iowa, and K. Cunningham Construction Co., Inc. of Cedar Falls, Iowa, be received and placed on file. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-66.

130552 - Greenwood/Hart

that communication from Associate Engineer transmitting Notice of Discontinuation from NPDES Coverage Under General Permit 2 to the Department of Natural Resources in conjunction with F.Y. 2009 Permanent Closure of Black Hawk Creek Railroad Crossings, be received, placed on file and "Resolution approving said notice", be adopted and Mayor authorized to execute same. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-67.

130553 - Schmitt/Greenwood

that communication from Associate Engineer transmitting request to approve documents and set date of hearing and bid opening for the F.Y. 2010 Asphalt Overlay Program, Contract No. 771, be received, placed on file and "Resolution setting date of hearing and bid opening as February 22, 2010, at 5:30 p.m. in the City Hall Council Chambers on the above described project", be adopted and City Clerk instructed to publish notice of same. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-68.

130554 - Schmitt/Greenwood

that communication from Associate Engineer transmitting Change Order No. 2 for a net decrease of \$17,107.12 for work performed by Peterson Contractors, Inc. of Reinbeck, Iowa in conjunction with the F.Y. 2010 Sanitary Sewer Relocation, be received, placed on file and approved and Mayor authorized to execute same. Ayes: Seven. Motion carried.

130555 - Schmitt/Greenwood

that communication from City Engineer transmitting Final Acceptance and Completion of Project performed by Peterson Contractors, Inc. of Reinbeck, Iowa at a total cost of \$27,162.05 for the F.Y. 2010 Sanitary Sewer Relocation, be received, placed on file and "Resolution approving said documents", be adopted. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-69.

130556 - Schmitt/Greenwood

that communication from Leisure Services Director transmitting request for matching funds in the amount of \$4,234.00 for the Prairie Pathways Project, be received, placed on file and "Resolution approving said request", be adopted. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-70.

130557 - Welper/Schmitt

that communication from Leisure Services Director transmitting Memorandum of Understanding between the State of Iowa and the Greater Cedar Valley Alliance for the purpose of assistance through the Iowa Great Places Program, be received, placed on file and "Resolution approving said Memorandum of Understanding", be adopted and Mayor authorized to execute same. Ayes: Six. Abstain 1. (Hart)

Resolutions continued

Mr. Hart asked to abstain on the vote since he is on the Iowa Great Places Citizen Advisory. Paul Hutting, Leisure Services Director, reported that the City has been recognized as a great place and has jointly applied with Cedar Falls and the Cedar Falls Historical Society. All of this is related to the river and that is the common thread between the entities. The City is asking for funding but is also asking to be recognized. The City will be recognized next week.

Resolution adopted and upon approval by Mayor assigned No. 2010-71.

130558 - Welper/Schmitt

that communication from City Planner transmitting contracts and promissory notes for Disaster Recovery Business Rental Assistance Program in the amount of \$27,600.00, be received, placed on file and "Resolution approving said documents", be adopted and Mayor authorized to execute same. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-72.

130559 - Welper/Schmitt

that communication from City Planner transmitting Encroachment Agreement to allow for a handicap accessibility ramp to encroach approximately 4 feet into Railroad Avenue right-of-way, north of 1137 Steely Street, be received, placed on file and "Resolution approving said agreement", be adopted and Mayor authorized to execute same. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-73.

130560 - Welper/Schmitt

that communication from City Planner transmitting Purchase Offer for 158 Sans Souci Drive as part of the Hazard Mitigation Grant Program (HMGP) Property Acquisition Project, be received, placed on file and "Resolution approving said document", be adopted and Mayor and City Clerk authorized to execute same. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-74.

130561 - Hart/Schmitt

that communication from City Planner transmitting request of Signs and Designs for a Minor Site Plan Amendment for United Medical Park Sign at 1717 W. Ridgeway Avenue, be received, placed on file and "Resolution approving said request", be adopted. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-75.

130562 - Hart/Schmitt

that "Resolution accepting and approving acquisition of property generally located at 1333 Leavitt Street, as granted by court order pursuant to Section 657A of the Iowa Code", be adopted. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-76.

130563 - Hart/Schmitt

that "Resolution accepting and approving acquisition of property generally located at 625 Glenwood Avenue", be adopted and Mayor authorized to execute same. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-77.

130564 - Hart/Schmitt

that communication from Community Planning and Development Director transmitting request for Letter of Support for the redevelopment of the Russell Lamson building by Sherman Associates, at an estimated cost of \$10.7 million, be received, placed on file and "Resolution approving said request", be adopted. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-78.

Resolutions continued

130565 - Cole/Hart

that communication from Community Planning and Development Director transmitting Development Agreement for D & L Development Co. for a new 5,800 sq. ft. retail building at the northwest corner of Heath Street and Logan Avenue (just north of Logan Hy-Vee), be received, placed on file and "Resolution approving said agreement", be adopted and Mayor and City Clerk authorized to execute same. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-79.

130566 - Cole/Hart

that communication from Community Planning and Development Director transmitting Development Agreement for Hope Martin Anderson for a new 15,200 sq. ft. professional office building at the northeast corner of Kimball Avenue and Highway 20, be received, placed on file and "Resolution approving said amendment", be adopted and Mayor and City Clerk authorized to execute same. Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-80.

130567 - Cole/Hart

that communication from City Planner transmitting request to submit a Grant Application to the National Park Service for a Preserve America Grant for the documentation of Sans Souci Island History, be received, placed on file and "Resolution approving said request", be adopted. Ayes: Seven.

Mayor Clark announced that the Council Communication stated not to exceed \$35,000 but the application amount will be for \$36,959.

Resolution adopted and upon approval by Mayor assigned No. 2010-81.

130568 - Cole/Hart

that communication from General Manager of Waterloo Water Works transmitting request to certify the following assessments to properties for work performed by the Water Works, together with recommendation of approval of Board of Water Works Trustees, be received, placed on file and "Resolution approving said request", be adopted and City Clerk instructed to notify Black Hawk County Treasurer of same.

<i>Address</i>	<i>Amount to certify</i>
300 Allen Street	\$984.80
605 Downing Avenue	\$1,141.67
504 Riehl Street	\$600.89
123 East Parker Street	\$564.23
859 West Parker Street	\$600.89
1003 Beech Street	\$1,753.60
1410 Mulberry Avenue	\$283.26
1226 West Mullan Avenue	\$8,963.62
214 Newell Street	\$2,702.75

Ayes: Seven.

Resolution adopted and upon approval by Mayor assigned No. 2010-82.

OTHER COUNCIL BUSINESS

130569 - Getty/Hart

that communication from City Clerk transmitting Abstract of Votes for the December 1, 2009 Runoff Election, be received and placed on file. Ayes: Seven. Motion carried.

ADJOURNMENT

130570 - Getty/Hart

that the Council adjourn at 5:54 p.m. Ayes: Seven. Motion carried.

Suzy Schares
City Clerk