

February 22, 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 22, 2010. Mayor Ernest G. Clark in the Chair. Roll Call: Cole, Jones, Greenwood, Schmitt, Welper, Hart Absent: Getty.

Moment of Silence.

Pledge of Allegiance: Ron Welper, Ward 5 Council Member.

130620 - Hart/Schmitt

that the Agenda, as amended postponing the presentation for Character Counts until the next meeting; removing item #6 and adding item 1a10 to the consent agenda, for the Regular Session on Monday, February 22, 2010, at 5:30 p.m., be accepted and approved. Ayes: Six. Absent: Getty. Motion carried.

130621 - Hart/Schmitt

that the Minutes, as proposed, for the Regular Session on Monday, February 15, 2010, at 5:30 p.m., be accepted and approved. Ayes: Six. Absent: Getty. Motion carried.

Mayor Clark read a Proclamation declaring March as Quota Cares Month featuring Cops 'N Kids Reading Program.

CONSENT AGENDA

130622 - 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. 1-74, dated February 22, 2010, in the amount of \$1,737,550.21, 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. 2010-121.

2. Resolution accepting Acknowledgment/Settlement Agreement in the amount of \$300.00 with Metro Mart 4, 2332 Falls Avenue, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age.

Resolution adopted and upon approval by Mayor assigned No. 2010-122.

3. Resolution accepting Acknowledgment/Settlement Agreement in the amount of \$1,500.00 with Metro 66-1, 3201 W. 4th Street, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age.

Resolution adopted and upon approval by Mayor assigned No. 2010-123.

4. Resolution-accepting Acknowledgment/Settlement Agreement in the amount of \$300.00 with Joan's 9er, 929 W. 5th Street, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age.

Resolution adopted and upon approval by Mayor assigned No. 2010-124.

5. Resolution-accepting Acknowledgment/Settlement Agreement in the amount of \$300.00 with Hy-Vee 3, 1422 Flammang Drive, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age.

Resolution adopted and upon approval by Mayor assigned No. 2010-125.

6. Resolution-approving 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.

Resolution adopted and upon approval by Mayor assigned No. 2010-126.

7. Resolution-approving request of Rosa Sanguino for tax exemptions on improvements totaling \$15,000.00 for property located at 1405 Colorado Street and located in the Consolidated Urban Revitalization Area.

Resolution adopted and upon approval by Mayor assigned No. 2010-127.

8. Resolution-approving request of Toni Dean for tax exemptions on improvements totaling \$102,473.00 for property located at 309 Monroe Street and located in the Consolidated Urban Revitalization Area.

Resolution adopted and upon approval by Mayor assigned No. 2010-128.

9. Resolution-approving request of Jeff and Lori Scott for tax exemptions on improvements totaling \$15,583.00 for property located at 1136 Leavitt Street and located in the Consolidated Urban Revitalization Area.

Resolution adopted and upon approval by Mayor assigned No. 2010-129.

10. Resolution-accepting Acknowledgment/Settlement Agreement in the amount of \$1,500.00 with Guppy's on the Go, 1615 Bishop Avenue, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age.

Resolution adopted and upon approval by Mayor assigned No. 2010-130.

b. Motion to approve the following:

Travel Requests					
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
1.	Rich Warren-Consultant for Government Relations	Discussion of projects for potential federal funding in Washington, D.C.	Waterloo, Iowa	December 15-16, 2009	\$878.00
2.	Todd Derifield-City Forester	54 th Annual Iowa State University Shade Tree Short Course	Ames, Iowa	February 25-26, 2010	\$230.00
3.	Luke Even-Forestry Foreman	Minnesota Shade Tree Short Course at Bethel University	Arden Hills, Minnesota	March 16-17, 2010	\$355.00
4.	Eric Thorson-City Engineer	APWA Iowa Chapter 2010 Spring Conference	West Des Moines, Iowa	March 10-12, 2010	\$400.00
5.	Greg Erie and Chris Gergen-Officers	International Law Enforcement Educators and Trainers Association conference	Wheeling, Illinois	April 19-24, 2010	\$1,550.00
6.	Danielle Rohret-Temporary Administrative Assistant	Attend Environmental Training at HUD office	Kansas City, Kansas	March 29-April 1, 2010	\$920.00
7.	Mayor Buck Clark	Attend the board meetings of Main Street Waterloo	Waterloo, Iowa	Once per month	\$120.00
8.	Wayne Castle-Associate Engineer	Iowa Water Conference	Ames, Iowa	March 8-9, 2010	\$250.00
9.	Wayne Castle-Associate Engineer	73rd Annual SLSI Land Surveyors Conference	Ames, Iowa	March 11-12, 2010	\$400.00
10.	Todd Miller-Police Chief Applicant	Interview for Police Chief opening	From Dallas, Texas to Waterloo, Iowa	March 3-4, 2010	\$766.72
11.	David Leonardo-Police Chief Applicant	Interview for Police Chief opening	From Phoenix, Arizona to Waterloo, Iowa	March 3-4, 2010	\$660.12
12.	Daniel Trelka-Police Chief Applicant	Interview for Police Chief opening	From Green Bay, Wisconsin to Waterloo, Iowa	March 3-4, 2010	\$887.80

13. Approve and place on file appointment of Mike Neff to the Waterloo Cable TV Commission, with term expiration date of December 31, 2013.

c. Beer License Permit Application

Class C

Hometown Foods, 1010 E. Mitchell Avenue (Renewal) (Includes Sunday Sales)

Hy-Vee Food Store & Drugstore #4, 4000 University Avenue (Renewal) (Includes Sunday Sales)

d. Liquor License Permit Application

Class C

Babes Tap, 210 Division Street (Renewal) (Includes Sunday Sales)

e. Liquor License Permit Application

Class E

Hometown Foods, 1010 E. Mitchell Avenue (Renewal) (Includes Sunday Sales)

Hy-Vee Food Store & Drugstore #4, 4000 University Avenue (Renewal) (Includes Sunday Sales)

f. Wine License Permit Application

Class B

Hometown Foods, 1010 E. Mitchell Avenue (Renewal) (Includes Sunday Sales)

Hy-Vee Food Store & Drugstore #4, 4000 University Avenue (Renewal) (Includes Sunday Sales)

g. Vehicle For Hire Business License Application

Cedar Valley Cab & Courier, 203 South Ridge Drive

Ayes: Six. Absent: Getty. Motion carried.

PUBLIC HEARINGS

130623 - Hart/Greenwood

that proof of publication of notice of public hearing on F.Y. 2010 River Renaissance Lower Plaza, Contract No. 763, as published in the Waterloo Courier on February 12, 2010, be received and placed on file. Ayes: Six. Absent: Getty. Motion carried.

130624 - This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

Hart/Greenwood

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

130625 - Hart/Greenwood

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with F.Y. 2010 River Renaissance Lower Plaza, Contract No. 763", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-131.

130626 - Hart/Greenwood

that "Resolution ordering construction in conjunction with above project", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-132.

130627 - Hart/Greenwood

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

Bidder	Bid Bond	Bid Amount
K Cunningham Construction Co, Inc. Cedar Falls, IA 50613	5%	\$3,431,549.53
Peterson Contractors Inc. Reinbeck, IA	5%	\$3,189,424.95
Vieth Construction Corporation Cedar Falls, IA	5%	\$3,596,334.30

Ayes: Six. Absent: Getty. Motion carried.

130628 - Greenwood/Schmitt

that proof of publication of notice of public hearing on F.Y. 2010 Asphalt Overlay Program, Contract No. 771, as published in the Waterloo Courier on February 12, 2010, be received and placed on file. Ayes: Six. Absent: Getty. Motion carried.

130629 - This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

Greenwood/Schmitt

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

130630 - Greenwood/Schmitt

that "Resolution confirming approval of plans, specifications, form of contract, etc. in conjunction with F.Y. 2010 Asphalt Overlay Program, Contract No. 771", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-133.

130631 - Greenwood/Schmitt

that "Resolution ordering construction in conjunction with above project", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-134.

130632 - Greenwood/Schmitt

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

Bidder	Bid Bond	Bid Amount
Aspro, Inc. Waterloo, IA	5%	\$2,427,657.53

Ayes: Six. Absent: Getty. Motion carried.

130633 - Schmitt/Hart

that proof of publication of notice of public hearing on Purchase of One (1) 2010 Full Size Sport Utility Vehicle, as published in the Waterloo Courier on February 12, 2010, be received and placed on file. Ayes: Six. Absent: Getty. Motion carried.

130634 - This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

Schmitt/Hart

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

130635 - Schmitt/Hart

that "Resolution confirming approval of specifications, bid document, etc. in conjunction with the Purchase of One (1) 2010 Full Size Sport Utility Vehicle", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-135.

130636 - Schmitt/Hart

that "Resolution authorizing to proceed in conjunction with above purchase", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-136.

130637 - Schmitt/Hart

to receive, file and instruct City Clerk to open bids and refer to Superintendent of Central Garage for review:

Bidder	Vehicle Bid	Bid Amount
Rydell Chevrolet Waterloo, IA	Chevrolet Suburban	\$35,156.00
Witham Auto Center Waterloo, IA	Ford Expedition EL	\$30,595.00
Charles Gabus Ford Des Moines, IA	Ford Expedition EL	\$29,075.00 + \$300.00 shipping

Ayes: Ayes: Six. Absent: Getty. Motion carried.

This being the time and place of public hearing on the Second violation of Waterloo Code of Ordinance, Sale of tobacco, tobacco products or cigarettes to any person under eighteen years of age for All Stop Convenience located at 2424 Ranchero Road, the Mayor called for written and oral objections and there were none.

130638 - Hart/Cole

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

130639 - Hart/Schmitt

that "Resolution ordering civil penalty in the amount of \$1,500.00 for said second violation", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-137.

ORDINANCES

130640 - Welper/Hart

that "an Ordinance amending the Ordinance No. 2479, as amended, City Zoning Ordinance by adding Subsection No. 405 to Section 2A-5, Rezoning Certain Property", be received, placed on file, considered and passed for the second time. Ayes: Six. Absent: Getty. Motion carried.

130641 - Welper/Hart

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Six. Absent: Getty. Motion carried.

130642 - Welper/Hart

that "an Ordinance amending the Ordinance No. 2479, as amended, City Zoning Ordinance by adding Subsection No. 405 to Section 2A-5, Rezoning Certain Property", be considered and passed for the third time and adopted. Ayes: Six. Absent: Getty. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 4984.

130643 - Schmitt/Greenwood

that "an Ordinance amending the 2007 Code of Ordinances of the City of Waterloo, Iowa by adding Section 3-1-6: After Hours Establishments (defining after hour establishments and requiring procurement of a license to operate such establishment)", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Getty. Motion carried.

Jim Walsh, City Attorney, reported that the ordinance is establishing a definition and this ordinance pertains to establishments that stay open over night and do not hold a liquor license. Most large cities regulate these types of establishments. There is a perceived problem with conduct. The moratorium is to allow for time to research this type of establishment and set regulations.

130644 - Schmitt/Hart

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Six. Absent: Getty. Motion carried.

130645 - Schmitt/Hart

that "an Ordinance amending the 2007 Code of Ordinances of the City of Waterloo, Iowa by adding Section 3-1-6: After Hours Establishments (defining after hour establishments and requiring procurement of a license to operate such establishment)", be considered and passed for the second and third times and adopted. Ayes: Six. Absent: Getty. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 4985.

RESOLUTIONS

130646 - Cole/Hart

that "Resolution accepting the bid proposal from Robins Surplus of Waterloo, Iowa for Fire Rescue Uniforms for Waterloo Fire Rescue", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-138.

130647 - Cole/Hart

that "Resolution waiving the assessment fee of \$825.00 for property located at 210 Denver Street in conjunction with CDBG funded garage demolition", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-140.

130648 - Cole/Hart

that "Resolution approving request to declare 120-day moratorium on the issuance of licenses for after hours establishments", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-141.

130649 - Jones/Hart

that "Resolution approving recommendation of award of contract in the amount of \$184,995.00 to Ecinc of Cedar Rapids, Iowa in conjunction with F.Y. 2010 Arch Gate Replacement Dry Run Creek, Contract No. 778", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-142.

130650 - Jones/Hart

that "Resolution approving Acceptance of Improvements of the Shadow Creek Crossing - Phases 4 & 5 Sanitary Sewer in Lois Lane performed by Dave Schmitt Construction Company, Inc. of Cedar Rapids, Iowa", be adopted and receive and file two-year Maintenance Bond. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-143.

130651 - Jones/Hart

that "Resolution approving Pipeline Crossing Notice of Intent and application preparation fee of \$750.00 to the Canadian National Railway (Chicago Central & Pacific) in conjunction with F.Y. 2010 Street Reconstruction Program, Contract No. 772", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-144.

Mr. Greenwood questioned the timeline. Doug Schindel with AECOM reported that it si hoped to be complete by the end of May with a contract completion date in June. Mr. Clark asked if there is a gate currently and will this have an effect if there is flooding in the spring. Mr. Schindel stated they would like it complete

130652 - Greenwood/Hart

that "Resolution accepting and approving acquisition of property generally located at 116 W. Parker Street, as granted by court order pursuant to Section 657A of the Iowa Code", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-145.

130653 - Greenwood/Hart

that "Resolution approving contracts for the Disaster Recovery Business Rental Assistance Program in the amount of \$43,890.00", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-146.

130654 - Greenwood/Hart

that "Resolution-setting date of hearing to approve Exchange Agreement and Option Exchange Agreement with L and H Farms, Ltd for the acquisition of property located in the San Marnan TIF District in the amount of \$820,000.00 plus up to \$10,000.00 in closing costs as March 8, 2010", be received, placed on file and adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-147.

OTHER COUNCIL BUSINESS

130655 - Schmitt/Welper

that Change Order No. 2 for a net increase of \$3,014.82 for work performed by Tricon General Construction of Dubuque, Iowa in conjunction with the 2009 Riverfront Stadium Grandstand Structural Repairs, be received, placed on file and approved. Ayes: Six. Absent: Getty. Motion carried.

130656 - Schmitt/Welper

that Change Order No. 1 for a net decrease of \$7,183.00 for work performed by D.W. Zinser Co. Inc. of Walford, Iowa in conjunction with General Obligation Bond Demolition Project, Contract No. 170-D-GO-11-09-09, be approve. Ayes: Six. Absent: Getty. Motion carried.

130657 - Welper/Schmitt

to instruct City Engineer to prepare plans, specifications, form of contract, etc. in conjunction with F.Y. 2010 Cedar Prairie Trail Bridge Repairs, Contract No. 764, be received, placed on file and approved. Ayes: Six. Absent: Getty. Motion carried.

Mr. Jones asked where this bridge is. Doug _- reported that it is near the old Hwy 63 and Ranhero Road. Doug Schindel, it is a recreation trail.

130658 - Welper/Hart

that plans, specifications, form of contract, etc. in conjunction with F.Y. 2010 Cedar Prairie Trail Bridge Repairs, Contract No. 764, be received and placed on file. Ayes: Six. Absent: Getty. Motion carried.

130659 - Welper/Hart

that "Resolution preliminarily approving plans, specifications, form of contract, etc. in conjunction with the above described project", be adopted. Ayes: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-148.

130660 - Welper/Hart

that "Resolution setting date of hearing on plans, specifications, form of contract, etc. and bid opening as March 8, 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: Six. Absent: Getty. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2010-149.

ORAL PRESENTATIONS

Mary Potter, President of Church Road Neighborhood Association, reported there is a lack of code enforcement and if the City publicized the enforcement of those codes it might reduce the number of violations. Mayor Clark asked that if they see violations to please notify the City.

Mr. Hart announced that the human rights lunch is this Thursday. There is still time to make reservations.

130661 - Cole/Welper

that the above oral comments be received and placed on file. Ayes: Six. Absent: Getty. Motion carried.

ADJOURNMENT

130662 - Hart/Cole

that the Council adjourn at 6:15 p.m. Ayes: Six. Absent: Getty. Motion carried.

Suzy Schares
City Clerk