

June 28, 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, June 28, 2010. Mayor Ernest G. Clark in the Chair. Roll Call: Cole, Getty, Jones, Schmitt, Welper, Hart. Absent: Greenwood.

Moment of Silence.

Pledge of Allegiance: Paul Huting, Leisure Services Director.

134767 - Hart/Schmitt

that the Agenda, as amended by changing #27, for the Regular Session on Monday, June 28, 2010, at 5:30 p.m., be accepted and approved. Ayes: Six. Absent: Greenwood. Motion carried.

134768 - Hart/Schmitt

that the Minutes, as proposed, for the Regular Session on Monday, June 21, 2010, at 5:30 p.m., be accepted and approved. Ayes: Six. Absent: Greenwood. Motion carried.

Mayor Clark read a Proclamation declaring July 2010 as the 20<sup>th</sup> Anniversary of the American's with Disabilities Act.

Presentation - From the Heart: Waterloo Home Enhancement Project - Update and Information from Groupwork Camps Director and local From the Heart Organizers.

CONSENT AGENDA

134769 - Hart/Schmitt

that the following items on the consent agenda be received, placed on file and approved:

a. Resolutions to approve the following:

1. Schedule AP642, pp. 1-124, dated June 28, 2010, in the amount of \$2,290,859.15, 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. 2010-525.

2. 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:

Address	Amount to certify
415 East 8 <sup>th</sup> Street	\$2,677.85

Submitted by Dennis Clark, General Manager of Waterloo Water Works

Resolution adopted and upon approval by Mayor assigned No. 2010-526.

3. Request of the Black Hawk County 4-H Shooting Sports group for a variance to the Code of Ordinances concerning discharging of weapons (5-2-6B) to fire air rifles on July 30, 2010 as part of the Black Hawk County 4-H & FFA Fair being held at the National Cattle Congress Fairgrounds. Submitted by Daniel J. Trelka, Chief of Police

Resolution adopted and upon approval by Mayor assigned No. 2010-527.

4. Acceptance of Acknowledgment/Settlement Agreement in the amount of \$300.00 with Blue River of 315 W. 4th Street, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age. Submitted by David R. Zellhoefer, Assistant City Attorney

Resolution adopted and upon approval by Mayor assigned No. 2010-528.

5. Acceptance of Acknowledgment/Settlement Agreement in the amount of \$300.00 with Liquor and Tobacco Outlet of 515½ Broadway Street, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age. Submitted by David R. Zellhoefer, Assistant City Attorney

Resolution adopted and upon approval by Mayor assigned No. 2010-529.

6. Acceptance of Acknowledgment/Settlement Agreement in the amount of \$300.00 with Smitty's Bar of 709 Jefferson Street, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age.  
Submitted by David R. Zellhoefer, Assistant City Attorney  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-530.
7. Acceptance of Acknowledgment/Settlement Agreement in the amount of \$1,500.00 and 30 day suspension with Metro Mart 4 of 2332 Falls Avenue, for sale of tobacco, tobacco products or cigarettes to persons under 18 years of age.  
Submitted by David R. Zellhoefer, Assistant City Attorney  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-531.
8. Request by Hagarty - Waychoff - Grarup Funeral Service for a concrete driveway to be located at 300 West Ridgeway Avenue, together with recommendation of approval of City Engineer.  
Submitted by Eric Thorson, P.E., City Engineer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-532.
9. Resolution approving the cancellation of assessment for 301-303 Adams Street in the amount of \$1,135.00, and authorizing City Clerk to notify Black Hawk County Treasurer of said cancellation.  
Submitted by Suzy Schares, City Clerk  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-533.
10. Resolution authorizing the transfer of \$8,335,000.00 from Trust & Agency Fund to General Fund to reimburse the General Fund for employee benefits.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-534.
11. Resolution authorizing the transfer of \$340,147.00 from Trust & Agency Fund to Road Use Tax Fund to reimburse the Road Use Tax Fund for employee benefits paid.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-535.
12. Resolution authorizing the transfer of \$558,105.61 from Trust & Agency Fund to General Fund to reimburse the General Fund for emergency levy.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-536.
13. Resolution authorizing the transfer of \$49,762.50 from General Fund to Debt Service Fund in payment of debt payments made for the Five Sullivan Brothers Convention Center Renovation.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-537.
14. Resolution authorizing the transfer of \$400,180.00 from General Fund to Debt Service Fund in payment of Vision Iowa portions of general obligation bond principal and interest.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-538.
15. Resolution authorizing the transfer of \$2,177,905.42 from Tax Increment Financing Fund to Debt Service Fund for TIF portions of general obligation bond principal and interest.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-539.
16. Resolution authorizing the transfer of \$1,887,642.34 from Sewer Fund to Debt Service Fund for the sewer fund portion of general obligation bond principal and interest.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-540.

17. Resolution authorizing the transfer of \$578,070.00 from Sewer Fund to Debt Service Fund for the sewer fund portion for the general obligation bond issue refunded.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-541.
18. Resolution authorizing the transfer of \$27,467.61 from General Fund to Vision Iowa Projects Fund to pay for construction and related engineering services for the Riverwalk Loop, Cedar River Dam, Cedar River Plaza and the Amphitheatre.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-542.
19. Resolution authorizing additional transfers from General Fund to Vision Iowa Projects Fund to cover all additional expenses incurred through June 30, 2010 not previously transferred.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-543.
20. Resolution authorizing the transfer of \$997,478.84 from General Fund to Debt Service Fund to pay the principal and interest on the loan borrowed for the Riverwalls construction that is part of the Vision Iowa projects.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-544.
21. Resolution authorizing the transfer of investment earnings in the amount of \$10,631.57 from Section 108 Program Fund to Debt Service Fund for the repayment of the loan borrowed for the Riverwalls construction.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-545.
22. Resolution authorizing the transfer of \$1,275,400.97 from Tax Increment Financing Fund to Capital Improvements Fund to reimburse amounts paid for the following projects: LaForge economic development grant; L&H Farms land purchase; Dry Run Creek sewer study; Secor Investments economic development grant; Rath asbestos removal; Crystal Distribution Section 108 loan preparation; CMC Site land purchase; Veteran Enterprises economic development grant; Martin Road sanitary sewer design; and East Fourth Street Streetscape Project.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-546.
23. Resolution authorizing additional transfers from the Tax Increment financing Fund to the Capital Improvements Fund in an amount o cover all additional expenses incurred through June 30, 2010 for the East Fourth Street  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-547.
24. Resolution authorizing the transfer from Tax Increment Fund to Airport FAA Projects Fund for repayment in the amount of \$111,618.00 for the release of land by the FAA at the Waterloo Regional Airport.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-548.
25. Resolution authorizing the transfer of \$104,100.00 from Tax Increment Financing Fund to the General Fund to reimburse contract expenses paid by the General Fund for TIF Contract expenses.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-549.
26. Resolution authorizing the transfer of \$10,350.00 from Capital Improvements Fund to June 2007 General Obligation Bond Fund to reimburse for initial design costs of the new fire Station #8 incurred in FY09 prior to the sale of the existing Fire Station #8.  
Submitted by Michelle Weidner, Chief Financial Officer  
  
Resolution adopted and upon approval by Mayor assigned No. 2010-550.

27. Request for a temporary variance to the truck embargo on East Donald Street between Logan Avenue and East 4<sup>th</sup> Street for six month beginning June 28, 2010 to allow Active Thermal Concepts to use this portion of East Donald Street during the Phase 2 demolition of Chamberlain Manufacturing facility.  
Submitted by Dennis Gentz, P.E., Assistant City Engineer

Resolution adopted and upon approval by Mayor assigned No. 2010-551.

b. Motion to approve the following:

Travel Requests					
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
1.	Kent Shankle, Curator	Travel to gallery to select works for exhibition of art at Center for the Arts	Chicago, Illinois	June 30- July 1, 2010	\$330.00
2.	Abraham Funchess, Executive Director; Robin Means, Fair Housing Coordinator and two (2) Commissioners	2010 National Fair Housing Policy Conference	New Orleans, Louisiana	July 18-24, 2010	\$7,200.00
3.	Mohammad Elahi, Traffic Engineer	Institute of Traffic Engineers 2010 Annual Meeting and Exhibit	Vancouver, British Columbia, Canada	August 7-12, 2010	\$765.00

4. Recommendation of appointment of Christa Mieke to the Waterloo Convention and Visitors Bureau, with term expiration of June 30, 2013.  
Submitted by Aaron Buzza, Executive Director of Waterloo Convention & Visitors Bureau with approval of Mayor Buck Clark
5. Recommendation of appointment of Shelly Olsson to the position of Central Garage Administrative Secretary, effective July 1, 2010.  
Submitted by Mark Rice, Superintendent of Central Garage
6. Liquor License Permit Application  
Class C  
The Drunken Monkey, 307 W. 4<sup>th</sup> Street (Renewal) (Expires 6/30/2011)  
(Includes Sunday Sales)
7. Beer/Wine License Permit Application  
Special Class C  
Gary's Restaurants & Catering, 2820 Falls Avenue (Renewal) (Expires 6/14/2011)
8. Liquor License Permit Application  
Class E  
XO Food & Liquor, 428 Franklin Street (New Owner) (Expires 12/14/2010)  
(Includes Sunday Sales)
9. Cigarette/Tobacco Permit Application  
Johnson Grocery/Hometown foods, 1010 E. Mitchell Avenue  
A & S Petroleum Inc./King Star, 127 Jefferson Street  
Kwik Stop, 1104 Washington Street

Councilperson Getty, I have one quick question on item number 23. Do we have a figure of how much that item number 23 is going to cost? That's the resolution authorizing additional transfers from the Tax Increment financing Fund.

Mayor Clark, I don't Harold but I'm hoping that our Chief Financial Officer will have something for us.

Michelle Weidner, Chief Financial Officer, we actually do not have that amount yet. That contract is still open. And there may be payables that contractors have not reported amounts to us yet and that's why we have this motion on. And that would be to pick up any final payments for any work being done now that we haven't been billed for yet.

Mayor Clark, will be at some point have a number for that Michelle?

Ms. Weidner, it may be a while yet but yes eventually we will. That's why we need to leave that open until we get that.

Mayor Clark, so this is a common thing we do?

Ms. Weidner, it's a common thing we do with the projects, yes, to get the payables in.

Councilperson Hart, I would also like to point out just several of the items that are law enforcement is making sure that they step up the efforts continuously to force those that sell tobacco, cigarettes and those different types of things to people that are under age so I would like to acknowledge that as well.

Ayes: Six. Absent: Greenwood. Motion carried.

PUBLIC HEARINGS

134770 - Schmitt/Welper

that proof of publication of notice of public hearing on Sale and conveyance of city-owned property generally located at 231 and 251 Jackson Street for \$1.00 to Iowa Habitat for Humanity, as published in the Waterloo Courier on June 22, 2010, be received and placed on file. Ayes: Six. Absent: Greenwood. Motion carried.

134771 - 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 Six. Absent: Greenwood. Motion carried.

134772 - Schmitt/Welper

that "Resolution authorizing said sale and conveyance", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-552.

137773 - Schmitt/Welper

that "Resolution approving Development Agreement, and authorizing Mayor and City Clerk to execute said document", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-553.

134774 - Hart/Getty

that proof of publication of notice of public hearing on Purchase of Self Contained Breathing Apparatus (SCBA) Equipment, as published in the Waterloo Courier on June 22, 2010, be received and placed on file. Ayes: Six. Absent: Greenwood. Motion carried.

134775 - This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

Hart/Getty

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

134776 - Hart/Getty

that "Resolution confirming approval of specifications, bid document, etc. in conjunction with Purchase of Self Contained Breathing Apparatus (SCBA) Equipment", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-554.

134777 - Hart/Getty

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

Resolution adopted and upon approval by Mayor assigned No. 2010-555.

134778 - Hart/Getty  
to receive, file and instruct City Clerk to open and read bids and refer to Fire Chief for review:

Bidder	Bid Amount
Sandry Fire Supply, LLC 618 6 <sup>th</sup> Street DeWitt, IA 52742	\$176,640.00

Ayes: Six. Absent: Greenwood. Motion carried.

134779 - Hart/Getty

that proof of publication of notice of public hearing on Purchase of Snow Removal Equipment Plow and De-Icing Vehicle, as published in the Waterloo Courier on June 22, 2010, be received and placed on file. Ayes: Six. Absent: Greenwood. Motion carried.

134780 - This being the time and place of public hearing, the Mayor called for written and oral objections and there were none.

Hart/Getty

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

134781 - Hart/Getty

that "Resolution confirming approval of specifications, bid document, etc. in conjunction with Purchase of Snow Removal Equipment Plow and De-Icing Vehicle", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-556.

134782 - Hart/Getty

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

Resolution adopted and upon approval by Mayor assigned No. 2010-557.

134783 - Hart/Getty

to receive, file and instruct City Clerk to open and read bids and refer to Airport Director for review:

<b>Snow Removal Equipment Plow</b>	
Bidder	Bid Amount
Ground Support Specialist 2205 Cole Road Horn Lake, MS 38637	\$159,900.00
<b>De-Icing Vehicle</b>	
Bidder	Bid Amount
Trans Iowa Equipment, Inc. 4607 SE Rio Ct Ankeny, IA 50021	\$585,000.00

Ayes: Six. Absent: Greenwood. Motion carried.

RESOLUTIONS

134784 - Cole/Welper

that "Resolution approving Convention & Visitors Bureau Board recommendations for funding of FYE2010 hotel/motel tax mini grants in the amount of \$1,000.00 for Bottom of the Net, \$1,000.00 for Cedar Trails Partnership and \$3,000.00 for Waterloo Center for the Arts", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-558.

134785 - Cole/Welper

that "Resolution approving agreement with Terracon of Cedar Falls, Iowa in an amount not to exceed \$7,000.00 for construction observation and testing services in conjunction with Fire Station No. 8", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-559.

134786 - Cole/Welper

that "Resolution approving award of bid to Flint Hills Resources, LP of Dubuque, Iowa for products used for oiling and chip sealing; and Bituminous Materials & Supply, LP of Des Moines, Iowa for products used for fog sealing and making oil dirt in a total amount not to exceed \$155,000.00", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-560.

134787 - Getty/Hart

that "Resolution approving submission of applications to Iowa Department of Economic Development for funds in conjunction with Multi-Family (Rental) Unit Production - New Construction Program - Round 2", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-561.

134788 - Getty/Hart

that "Resolution approving an amendment to a contract with the Iowa Department of Economic Development for an additional \$1,047,100.00 CDBG Supplemental Funds for the purpose of funding Single-Family New Construction Unit Production - Round 2, and authorizing Mayor to execute said document", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-562.

134789 - Getty/Hart

that "Resolution approving submission of an application to the Department of Justice, Bureau of Justice Assistance for the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program for sharing of funding in the amount of \$108,069.00 with the City of Cedar Falls and Black Hawk County", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-563.

134790 - Welper/Hart

that "Resolution approving the acceptance of the 2010-2011 Federal Violence Against Women grant from the Department of Justice, Crime Victim Assistance Division in the amount of \$38,051.00, with a city match of \$12,684.00", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-564.

134791 - Welper/Hart

that "Resolution approving a Memorandum of Understanding with the City of Cedar Falls and Black Hawk County for the allocation of FY 2010 Justice Assistance Grant (JAG) in the amount of \$108,069.00 for funding of Tri-County Drug Task Force", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-565.

134792 - Welper/Hart

that "Resolution approving the submission of a grant application to Black Hawk County Gaming Association for \$70,000.00 to be used for the Ambulance Record Reporting project", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-566.

134793 - Schmitt/Hart

that "Resolution approving Professional Services Agreement with Wayne Claassen Engineering and Surveying, Inc. of Waterloo, Iowa at an estimated cost of \$40,000.00 for construction related services in conjunction with F.Y. 2010 E. Sixth Street Storm Pump Station Improvements, Contract No. 716", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-567.

134794 - Schmitt/Hart

that "Resolution approving Completion of Project and Recommendation of Acceptance of Work performed by Magee Construction Company, Inc. of Cedar Falls, Iowa at a total cost of \$70,544.00 in conjunction with F.Y. 2010 Fletcher Avenue Flood Gate Repairs, Contract No. 753, and two-year Maintenance Bond be received and placed on file", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-568.

134795 - Schmitt/Hart

that "Resolution approving request to install temporary Yield sign at the intersection of Anita Street and Sherman Avenue due to the E. 4<sup>th</sup> Street construction project detours", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-569.

134796 - Cole/Hart

that "Resolution approving request to install temporary Yield sign at the intersection of Leavitt Street and Randolph Street due to the Williston Avenue construction project detour", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-570.

134797 - Cole/Hart

that "Resolution approving amendment to permit fee schedules", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-571.

134798 - Cole/Hart\_

that "Resolution approving amendment to plan review fee schedules", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-572.

134799 - Cole/Hart

that "Resolution approving the use of Martin Road Tax Increment Financing funds for the provision of design and development services", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-573.

134800 - Hart/Schmitt

that "Resolution approving the use of Rath Increment Financing funds for the provision of services to assist borrowers expanding in the Rath Urban Renewal Area", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-574.

134801 - Hart/Schmitt

that "Resolution approving City of Waterloo refinancing of existing loan in an amount not to exceed \$245,763.30 with City's guaranty to be limited to the existing principal balance plus unpaid interest on that portion and authorizing Mayor and City Clerk to sign and fully execute any necessary documents", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-575.

ORDINANCES

134802 - Getty/Cole

that "an Ordinance amending the 2008 Traffic Code of the City of Waterloo, Iowa by repealing Subsection (91) Prospect Blvd. of Section 553, No Parking Here to Corner, and enacting in lieu thereof a new Subsection (91) Prospect Blvd. To Section 553, No Parking Here to Corner (install No Parking Here to Corner approximately 50 feet in a northerly direction on the east side of the 1400 block of Prospect Boulevard)", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Greenwood. Motion carried.

134803 - Getty/Welper

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Five. Nay: Schmitt. Motion failed.

Councilperson Schmitt, is there a time limit to these two issues that we are aware of? The reason why I ask, we've talked about this a little bit in the past but it seems to me that we are making some changes here and I've heard in the past where we've made parking changes and we've kind of just rammed it through and people find out about it after the fact. I would like to allow a little bit of time to go by to make sure that everybody is aware of the changes we're contemplating here.

Councilperson Cole, I might point out that one of these is a request that comes from citizens who are directly involved and that is a bad corner.

134804 - Getty/Cole

that "an Ordinance amending the 2008 Traffic Code of the City of Waterloo, Iowa by repealing Subsection (32) Broadway Street and Edwards Street of Section 540, Obedience of Official Traffic-Control Devices, (removal of traffic signals at the intersection of Broadway Street and Edwards Street)", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Greenwood. Motion carried.

134805 - Getty/Welper

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Five. Nay: Schmitt. Motion failed.

134806 - Cole/Getty

that "an Ordinance amending the 2008 Traffic Code of the City of Waterloo, Iowa by repealing Section 353 and amending Section 343 to read as follows: It is hereby established that the fees for cash patrons for all parking ramps shall be set by Resolution of the City Council", be received, placed on file, considered and passed for the first time. Ayes: Six. Absent: Greenwood. Motion carried.

Councilperson Hart, I received a phone call and I couldn't quite pick out the name, I want to say Haley Thomas, and he was in objection to the fees on this particular item.

Mayor Clark, I might want to make note that we also heard from some of our leased parking patrons today wondering whether that would apply to them. And it does not. So the parking fee increase in the ramps are for the hourly parking only not for the leased parking patrons.

Suzy Schares, City Clerk, and I would also just add that on the ordinance the ordinance just changes so that all of the fees are set by resolution because right now half are set by resolution and half are set by ordinance. So its putting them all in the same spot. When you get to the resolution, that's actually a fee increase.

Mayor Clark, so this is no fee increase.

Ms. Schares, so the ordinance is just saying that now it will be set by resolution so that they are all now in the same place.

134807 - Cole/Hart

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Ayes: Five. Nay: Schmitt. Motion failed.

OTHER COUNCIL BUSINESS

134808 - Hart/Welper

that Change Order No. 1 for a net increase of \$389.00 for work performed by K&W Electric of Cedar Falls, Iowa in conjunction with Ground Power Unit project at the Waterloo Regional Airport, be received, placed on file and approved and Mayor authorized to execute same. Ayes: Six. Absent: Greenwood. Motion carried.

134809 - Hart/Welper

that "Resolution approving Final Acceptance and Completion of Project performed by K&W Electric of Cedar Falls, Iowa at a total cost of \$72,939.00 in conjunction with Ground Power Unit project at the Waterloo Regional Airport", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-577.

134810 - Hart/Welper

that Change Order No. 1 for a net increase of \$52,800.00 for work performed by Peterson Contractors Inc. of Reinbeck, Iowa in conjunction with F.Y. 2010 River Renaissance Trail - 6<sup>th</sup> to 18<sup>th</sup> Street, Contract No. 761, be received, placed on file and approved and Mayor authorized to execute same. Ayes: Six. Absent: Greenwood. Motion carried.

134811 - Hart/Welper

that Change Order No. 1 for a net increase of \$55,000.00 for work performed by Peterson Contractors, Inc. of Reinbeck, Iowa in conjunction with F.Y. 2010 River Renaissance Lower Plaza, Contract No. 763, be received, placed on file and approved and Mayor authorized to execute same. Ayes: Six. Absent: Greenwood. Motion carried.

Councilperson Jones, the net increase of \$55,000.00 was that a planned expenditure or are we just moving that into this fiscal year as opposed to it taking place later?

Eric Thorson, City Engineer, this is for the footings for the Performance Structure at the River Renaissance Plaza. And its determined that originally the footing, I think, was going to be a spread footing and it was determined that that would not work. So it needs to be a drilled shaft footing and Peterson is in better position to do that. At this time under the Plaza contract then wait until the Performance Structure contract. I mean we would have done it either way its just it would be easier for them to do it now since its having to be a drilled shaft. Doug Schindel from AECOM is here if you have any other questions about that. That's the biggest reason. We felt it would be easier to change order it into this to work. They are in better position to do it now then later.

134812 - Welper/Hart

that Change Order No. 2 for a net increase of \$61,163.80 for work performed by Iowa Bridge & Culvert, L.C. of Washington, Iowa in conjunction with F.Y. 2010 Cedar Prairie Trail Bridge Repairs, Contract No. 764, be received, placed on file and approved and Mayor authorized to execute same. Ayes: Six. Absent: Greenwood. Motion carried.

134813 - Welper/Hart

that Change Order No. 2 for a net decrease of \$422,909.38 for work performed by Aspro Inc. of Waterloo, Iowa in conjunction with Rehabilitation of Runway 12/30 at Waterloo Regional Airport, be received, placed on file and approved and Mayor authorized to execute same. Ayes: Six. Absent: Greenwood. Motion carried.

134814 - Schmitt/Hart

that "Resolution approving Final Acceptance and Completion of Project performed by Aspro Inc. of Waterloo, Iowa at a total cost of \$2,148,619.37 in conjunction with Rehabilitation of Runway 12/30 at Waterloo Regional Airport", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-578.

134815 - Schmitt/Hart

that Change Order No. 2 for a net decrease of \$5,325.75 for work performed by Allied Construction Company, Inc. of Charles City, Iowa in conjunction with Rehabilitation of GA Apron and Taxilanes - Phase I at Waterloo Regional Airport, be received, placed on file and approved and Mayor authorized to execute same. Ayes: Six. Absent: Greenwood. Motion carried.

134816 - Schmitt/Hart

that "Resolution approving Final Acceptance and Completion of Project performed by Allied Construction Company, Inc. of Charles City, Iowa at a total cost of \$679,118.20 in conjunction with Rehabilitation of GA Apron and Taxilanes - Phase I at Waterloo Regional Airport", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-579.

134817 - Getty/Cole

that "Resolution approving Final Acceptance and Completion of Project performed by Cedar Valley Corp. of Waterloo, Iowa at a total cost of \$555,939.24 in conjunction with Rehabilitation of Taxiway "A" at the Waterloo Regional Airport", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-580.

134818 - Getty/Cole

that "Resolution approving Final Acceptance and Completion of Project performed by Cunningham Construction Inc. of Cedar Falls, Iowa at a total cost of \$367,365.20 in conjunction with Rehabilitation of GA Apron and Taxilanes (Phase 2) at Waterloo Regional Airport", be adopted. Ayes: Six. Absent: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-581.

134819 - Getty/Cole

that Change Order No. 6 for a net increase of \$470.00 for work performed by Failor-Hurley Construction of Hudson, Iowa in conjunction with Commercial Street Parking Garage Repairs, Phase 1, be received, placed on file and approved and Mayor authorized to execute same. Ayes: Six. Absent: Greenwood. Motion carried.

134820 - Hart/Welper

to instruct City Engineer to prepare plans, specifications, form of contract, etc. in conjunction with F.Y. 2011 Ridgeway Avenue and La Porte Road Intersection Improvements, Contract No. 775, be received, placed on file and approved. Ayes: Six. Absent: Greenwood. Motion carried.

134821 - Hart/Welper

that plans, specifications, form of contract, etc. in conjunction with F.Y. 2011 Ridgeway Avenue and La Porte Road Intersection Improvements, Contract No. 775, be received and placed on file. Ayes: Six. Absent: Greenwood. Motion carried.

134822 - Hart/Welper

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

Resolution adopted and upon approval by Mayor assigned No. 2010-582.

134823 - Hart/Welper

that "Resolution setting date of hearing on plans, specifications, form of contract, etc. as July 19, 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: Greenwood.

Resolution adopted and upon approval by Mayor assigned No. 2010-583.

ORAL PRESENTATIONS

Forrest Dillavou, 1725 Huntington Road, as a taxpayer I'm very concerned about all of the change orders I continually see. I'll just pick the three tonight that have added up to \$168,000.00, almost \$169,000.00. You know if these would have been put into the original bid we would have got some other assistance. This is \$169,000.00 I believe that comes out of Waterloo taxpayers money. If it had been included in the bid prior we would have got some other funding that helped us with this River Renaissance. You know, I don't know how it happens, why it happens. I don't understand it all but I do know that we are paying \$169,000.00 of city funds that had it been in there before we could have got some help.

Mayor Clark, Forrest thank you for that. And quite honestly back even when I was on council I was terribly concerned about the change orders also. I thought that there was a way to get around those. But I have kind of come to learn that projects just change. As frustrating as I get with them sometimes I don't see a way around them. But I would like to speak to the funding. I don't know if that is Michelle, Noel or Eric even. When we have change increases where does that funding necessarily come from?

Michelle Weidner, Chief Financial Officer, I think in all these cases those changes are also eligible for the grant funding sources. Occasionally, we will have one that does not qualify but generally the grant sources. These will have been submitted. Many of them will already have been approved by our funding sources by the time they hit our agenda.

Mayor Clark, okay and also Forrest we've got some pretty savvy folks on the council now that watch this stuff very closely. And I think that if there were any of them that were questionable we thought we are getting by the contractors we're not playing fairly we would bring it to light. So I am hoping that that's not happening. I'm hoping that these are all justified and needed to do and I believe that they are. But thank you for brining it forward.

Councilperson Schmitt, I would just like to take a minute. You know we always hear about the occasional complaints about city business and city things. But within the last week or so we've had some severe storms and I had several phone calls complimenting our forestry department, Mr. Huting and his group for the fine job they did of helping the citizens cleanup some of the damaged trees, limbs and things that are out in the parking or out in the right of way. So I just wanted to make sure that there were citizens that did appreciate that and asked me to convey that to you.

134824 - Hart/Cole

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

ADJOURNMENT

134825 - Hart/Cole

that the Council adjourn at 6:17 p.m. Ayes: Six. Absent: Greenwood. Motion carried.

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Suzy Schares  
City Clerk