

**MINUTES OF THE  
CITY COUNCIL MEETING  
NOVEMBER 01, 2021**

1. The meeting was called to order by Mayor Smith at 7:30 p.m.
2. The following Aldermen were present: Notheisen, Matt Buettner, Hopkins, Trantham, Darter, Kyle Buettner, Row and Heller.
3. Pledge of Allegiance led by Mayor Tom Smith.
4. Correction or Withdrawal of Agenda Items by Sponsor. None.
5. Approval of Minutes as Written or Amended.  
Approval of City Council Meeting Minutes dated 10-18-21. Motion made by Alderman Kyle Buettner and seconded by Alderman Darter to approve the City Council Meeting Minutes from 10-18-21. Motion passed unanimously with Aldermen Kyle Buettner, Row, Heller, Notheisen, Matt Buettner, Hopkins, Trantham and Darter voting 'yea'.
6. Petitions by Citizens on Non-Agenda Items. None.
7. Reports and Communications from the Mayor and other City Officers.
  - A. Report of Collector. No report.
  - B. Report of Treasurer. No report.
  - C. Report of Subdivision and Zoning Administrator. No report.
  - D. Report of Director of Public Works.  
There will be intermittent lane restrictions on Market Street from Plaza Drive to Route 156 (Front Street) this week. The lane closures are for the inspection of the pavement by IDOT.
  - E. Report of Chief of Police. No report.
  - F. Report of City Attorney. No report.
  - G. Report and Communication by Mayor. No report.
8. Report of Standing Committees. No report.
9. Report of Special Committees. No report.
10. Presentation of Communications, Petitions, Resolutions, Orders and Ordinances by Aldermen. None.
11. Unfinished Business. None.
12. Miscellaneous Business.
  - A. Consideration and Action on Warrant No. 607.  
Motion made by Alderman Darter and seconded by Alderman Row to approve Warrant No. 607. Motion passed unanimously with Aldermen Darter, Kyle Buettner, Row, Heller, Notheisen, Matt Buettner, Hopkins and Trantham voting 'yea'.
  - B. Consideration and Action on Petition #Z-21-10-01 for the Special Use Permit Conditional List from the Zoning Board of Appeals hearing regarding the operation of a Recovery Residence at 228 Mueller Lane (comprising of Parcels #07-25-101-025-000, #07-25-101-026-000 and #07-25-101-016-000), as requested by Adrian and Leisa Martinez.  
Motion made by Alderman Notheisen and seconded by Alderman Hopkins to approve Petition #Z-21-10-01 for the Special Use Permit Conditional List from the Zoning Board of Appeals hearing regarding the operation of a Recovery Residence at 228 Mueller Lane

(comprising of Parcels #07-25-101-025-000, #07-25-101-026-000 and #07-25-101-016-000), as requested by Adrian and Leisa Martinez.

City Attorney Dan Hayes mentioned that the motion for approval pertains **only** to adopting the 13 conditions that were sent to the City Council by the Zoning Board of Appeals. The City Attorney asked Ms. Martinez which of the 13 conditions mentioned, besides the fence and the twice-yearly inspections are objectionable. The City Attorney then read the remaining 11 conditions.

Ms. Martinez stated they also had concerns over the visitation condition. They would like to allow visitation for emergency situations with immediate family members. The Council held a short discussion and agreed to the change in the stipulation to allow for visitation in emergency situations with immediate family members of the client.

Although a six-foot privacy fence was originally in their business plans, Ms. Martinez acknowledged that they did not know, at the time, there was a 40-foot setback requirement per the City Zoning Code. They are requesting a fence of their choosing. Ms. Martinez also requested to know, the reason for bi-annual inspections. The Zoning Administrator stated the purpose of the inspections was for safety: hallways allowing for safe passage; working exit signs; fire alarms in working order; correct wiring, etc... Basically a life safety inspection.

An amended motion was made by Alderman Notheisen and seconded by Alderman Kyle Buettner to approve Petition #Z-21-10-01 for the Special Use Permit Conditional List from the Zoning Board of Appeals hearing regarding the operation of a Recovery Residence at 228 Mueller Lane (comprising of Parcels #07-25-101-025-000, #07-25-101-026-000 and #07-25-101-016-000), as requested by Adrian and Leisa Martinez with the following changes in the 13 conditions:

4. The facility shall be inspected a minimum of two times per year by the City of Waterloo Building Inspector to assure **life safety** and building code compliance, operating compliance in accord with the definition of "Recovery Residence", and compliance with all conditions as included in the Special Use Permit.
  
12. Clients shall be allowed one visitation per week on strictly a rotating Saturday and Sunday schedule and only after successfully completing 30 days in the program **except for emergency situations with the immediate family of the client.**

Stephanie Hunter, an adjoining business owner, commented that an individual going through detox does not mean that the person is clean when they get to a rehab facility. She wanted to know if a person tested positive on arrival, if they would be allowed in the program. Ms. Martinez stated any women testing positive upon entry would not be allowed in the program.

Discussion took place among the Alderman on the fencing requirement including fence height, expected completion date of the fence, availability of materials and labor, if the fence has a time frame does it start with the purchase of the property or when an occupancy permit is issued, loss of land usage, etc... After this discussion, the Alderman had a voice poll on the height of the required fencing with five aldermen wanting a six-foot fence and three aldermen wanting for a four-foot fence.

An amended motion was made by Alderman Notheisen and seconded by Alderman Kyle Buettner to approve Petition #Z-21-10-01 for the Special Use Permit Conditional List from the Zoning Board of Appeals hearing regarding the operation of a Recovery Residence at 228 Mueller Lane (comprising of Parcels #07-25-101-025-000, #07-25-101-026-000 and #07-25-101-016-000), as requested by Adrian and Leisa Martinez with the following changes in the 13 conditions:

3. The proposed privacy fence shall be 6' high, of vinyl construction and installed in compliance with City codes, easements and setbacks. **The fence is to be completed within 6 months after the purchase of the property.**

4. The facility shall be inspected a minimum of two times per year by the City of Waterloo Building Inspector to assure **life safety** and building code compliance, operating compliance in accord with the definition of "Recovery Residence", and compliance with all conditions as included in the Special Use Permit.

13. Clients shall be allowed one visitation per week on strictly a rotating Saturday and Sunday schedule and only after successfully completing 30 days in the program **except for emergency situations with the immediate family of the client.**

Motion passed unanimously with Aldermen Notheisen, Matt Buettner, Hopkins, Trantham, Darter, Kyle Buettner, Row and Heller voting 'yea'.

- C. Consideration and Action on Petition #Z-21-10-01 for the Special Use Permit, including the Conditional List as previously approved in Agenda Item 12B, to allow for the operation of a Recovery Residence at 228 Mueller Lane (comprising of Parcels #07-25-101-025-000, #07-25-101-026-000 and #07-25-101-016-000), as requested by Adrian and Leisa Martinez.

Motion made by Alderman Notheisen and seconded by Alderman Kyle Buettner to approve Petition #Z-21-10-01 for the Special Use Permit, including the Conditional List as previously approved in Agenda Item 12B, to allow for the operation of a Recovery Residence at 228 Mueller Lane (comprising of Parcels #07-25-101-025-000, #07-25-101-026-000 and #07-25-101-016-000), as requested by Adrian and Leisa Martinez.

The City Attorney stated the action on this petition would be based on the record presented to the City Council by the Zoning Board of Appeals. No new evidence will be submitted.

Public Comments:

- Mr. Steve Boorsma mentioned he was in favor of the petition and stated the City has the opportunity for stewardship and to make a difference in the lives of others.
- Ms. Amanda Schweigert stated she was a licensed counselor and has worked in the field of substance abuse for four years. She also is in favor of the petition. She commented that there appears to be push back in the neighborhood while people are dying and suffering.
- Leisa Martinez shared various e-mails offering support of this facility
- Stephanie Hunter, an adjoining business owner, spoke against this petition. She stated she once resided in a small town that opened up a facility such as this one, and the town has not been the same since.
- Andrew Williams also spoke against this petition and stated the neighbors oppose this location for a recovery residence.

Aldermen voted as follows:

YES – Notheisen, Matt Buettner, Darter, Kyle Buettner and Row.

NO – Hopkins, Trantham and Heller

Motion passed by a vote of 5 to 3.

- D. Consideration and Action on the Purchase of a 2021 Ford Truck for the Underground Utilities Department from Morrow Brothers Ford in the total amount of \$60,416.00 after trade-in of a 2000 Chevrolet.

Motion made by Alderman Darter and seconded by Alderman Heller to approve the Purchase of a 2021 Ford Truck for the Underground Utilities Department from Morrow Brothers Ford in the total amount of \$60,416.00 after trade-in of a 2000 Chevrolet.

Motion passed unanimously with Aldermen Darter, Kyle Buettner, Row, Heller, Notheisen, Matt Buettner, Hopkins and Trantham voting 'yea'.

- E. Consideration and Action on a Special Event Permit Request from Uncle John's RRR Bar for their 2nd Annual New Year's Eve Ball Drop to be held on December 31, 2021, from 11:30 p.m. to 12:30 a.m., to include the temporary closure of the four-way intersection at Main and Third Streets.

Motion made by Alderman Row and seconded by Alderman Kyle Buettner to approve a Special Event Permit Request from Uncle John's RRR Bar for their 2nd Annual New

Year's Eve Ball Drop to be held on December 31, 2021, from 11:30 p.m. to 12:30 a.m., to include the temporary closure of the four-way intersection at Main and Third Streets.

Aldermen voted as follows:

YES – Row, Heller, Notheisen, Matt Buettner, Hopkins, Darter and Kyle Buettner.

NO – Trantham.

Motion passed by a vote of 7 to 1.

14. Discussion of Matters by Council Members Arising After Agenda Deadline.  
**Alderman Hopkins** stated that it was difficult to hear in the High School auditorium. He also commented on the number of “thank you’s” he received from the children during Trunk or Treat.
15. Motion to Adjourn made by Alderman Kyle Buettner and seconded by Alderman Matt Buettner. Motion passed with a unanimous voice vote. Mayor Smith adjourned the meeting at 8:33 p.m.

**Mechelle Childers - City Clerk**