May 6, 2024

The City Council of the City of Waterloo, Iowa, met in REGULAR SESSION at Harold E. Getty Council Chambers, Waterloo, Iowa, at 5:30 PM, on Monday, May 6, 2024.

Roll Call.

Mayor Quentin Hart in the Chair. Roll Call: Mr. Boesen, Mr. Nichols, Ms. Creighton-Smith, Mr. Chiles, Mr. Simon, Ms. Wilder and Mr. Feuss.

Prayer or Moment of Silence.

Pledge of Allegiance, LeAnn Even, Deputy City Clerk.

Approval of Agenda, as proposed or amended.

Feuss/Wilder
that the agenda, be approved. Voice vote-Ayes: Seven. Motion carried.

Approval of Minutes of April 15 Regular Council Session and April 17, and April 29, 2024, Special Council Sessions as proposed or amended.

Feuss/Wilder
that the minutes of April 15 and 17, 2024, Regular Session and April 29, 2024, Special Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

PUBLIC COMMENTS

The following individuals commented on various subjects.

Mary Potter, 1416 W. 4th Street and Grout Museum Trustee
Jillian Rutledge, Cedar Valley Roller Derby
Aaron Stacey Roberts, 411 Almond Street
LC Smith, 416 Oliver Street
Tony Roadhouse, 4141 Butterfield Road
Beverly Cosby, 315 Wendell Court
Thomas Church, 406 Hammond Avenue
Michael Blackwell, 5125 Millenium Drive, Cedar Falls
Allen Reid, 1400 Block Cottage Grove
Larry Stumme, 1008 Lois Lane
Doris Deitrick, 2009 Cityview Street

Ms. Creighton-Smith, noted with regards to Doris Deitrick's comments, that it may be beneficial to have someone from the district to help with working through a solution for the homeless population.

Mr. Boesen, questioned if the current property owners could mow and secure the residence at

310 Upland prior to closing rather than the city taking on the liablity.

Noel Anderson, Community Planning and Development Director responded he would contact owners to mow and has made plans to secure the property.

Mayor Hart made comments regarding negligent landlords and asked Mr. Anderson to have owners mow or pay for the City to mow and secure the property.

Feuss/Wilder
to close public comments. Voice vote-Ayes: Seven. Motion carried.

CONSENT AGENDA

Feuss/Wilder
that the following items on the consent agenda as amended by Council member Boesen to remove item No. 2 completely and item No.17 to be considered for separate discussion, including payment of bills for May 6, 2024, in the amount of $6,777,158.58, be received and placed on file.

Roll Call vote-Ayes: Seven. Motion carried.

Bills Payment, Finance Committee Invoice Summary Report, a copy of which is on file in the office of the City Clerk.

Resolution adopted and upon approval by Mayor assigned No. 2024-242.

Resolution approving the request by Allan Jackson, for tax exemptions on improvements valued at $80,000.00, for property located at 306 Cottage Street and located in the Consolidated Urban Revitalization Area (CURA).

Removed per amendment.

Resolution accepting a Waterloo Housing Trust Fund Grant Agreement, in the amount of $42,175.00, for owner-occupied housing emergency repairs, and authorizing the Housing Director to execute said document.

Resolution adopted and upon approval by Mayor assigned No. 2024-243.

Resolution in support of an application by BCS Properties, LLC, for the Iowa Workforce Housing Tax Credit Program application to the Iowa Economic Development Authority, to construct sixty (60) new housing units, located north of 1900 W. Ridgeway Avenue, including potential for tax abatement through the City Limits Urban Revitalization Area tax abatement program upon substantial completion.

Resolution adopted and upon approval by Mayor assigned No. 2024-244.

Resolution in support of an application by Baltimore Fields, LLC, for the Iowa Workforce Housing Tax Credit Program application to the Iowa Economic Development Authority, to construct eighteen (18) new single-family homes located east of 1003 Vermont Street, including up to $90,000.00 infill incentive upon substantial completion.

Resolution adopted and upon approval by Mayor assigned No. 2024-245.

Resolution in support of an application by J & R Real Estate Holdings, LLC, for the Iowa Workforce Housing Tax Credit Program application to the Iowa Economic Development Authority, to construct twenty-seven (27) new residential units, located at 1729 Mulberry Street, including a potential for tax abatement through the Consolidated Urban Revitalization Area tax abatement program upon substantial completion.

Resolution adopted and upon approval by Mayor assigned No. 2024-246.

Resolution in support of an application by 3350 University Avenue, LLC, for the Iowa Workforce Housing Tax Credit Program application to the Iowa Economic Development Authority, to construct ninety-five (95) new housing units, located at 3350 University Avenue, including potential for tax abatement through the Consolidated Urban Revitalization Area tax abatement program upon substantial completion.

Resolution adopted and upon approval by Mayor assigned No. 2024-247.

Resolution setting date of public hearing as May 20, 2024, to approve the request by King Automotive to rezone approximately 1.76 acres from “C-2” Commercial District to “M-1” Light Industrial District to allow for expansion of an existing salvage yard located south of 275 Rampart Lane, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-248.

Resolution setting date of public hearing as May 20, 2024, for the sale and conveyance of city-owned property located at 516 Pine Street, in the amount of $1.00, to Iowa Heartland Habitat for Humanity, including approval of a Development Agreement for the redevelopment of a single family home and a grant of $5,000.00 for infill housing incentive, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-249.

Resolution setting date of public hearing as May 20, 2024, for the sale and conveyance of city-owned property located at 708 W. 3rd Street, in the amount of $2,000.00, to Tramaun Allen, including approval of a Development Agreement for the rehabilitation of a garage and construction of a fence, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-250.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing two Chevy Tahoes, in the amount of $99,810.40, from Karl Auto Group, for the Police Department.

Resolution adopted and upon approval by Mayor assigned No. 2024-251.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing six Chevy Malibus, in the amount of $143,365.38, from Karl Chevrolet, for the Police Department.

Resolution adopted and upon approval by Mayor assigned No. 2024-252.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing two Police Interceptor all-wheel-drive utility units, in the amount of $91,170.00, from Stivers Ford, for the Police Department.

Feuss/Wilder

that the minutes of April 15 and 17, 2024, Regular Session and April 29, 2024, Special Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing two Chevy Colorado Crew Cabs, in the amount of $69,375.60, for the Street Department.

Resolution adopted and upon approval by Mayor assigned No. 2024-254.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing two Chevy Colorado Crew Cabs, in the amount of $69,375.60, for the Engineering Department.

Resolution adopted and upon approval by Mayor assigned No. 2024-255.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for the purchase of a Chevy Equinox, in the amount of $30,469.99, for the Traffic Department.

Resolution adopted and upon approval by Mayor assigned No. 2024-256.

Resolution authorizing an exception to the purchasing policy for the purchase of a Rear Loader for the Sanitation Department, in the amount of $224,200.00. This is a Sourcewell purchase.

Resolution adopted and upon approval by Mayor assigned No. 2024-257.

Mr. Boesen made comments and questioned the reasoning behind approving exceptions to the purchasing policy and using Sourcewell bids as opposed to following the general bidding process for these types of purchases, and if there are actual savings by purchasing through Sourcewell. He further questioned purchasing a rear-loading garbage truck with a push axle as opposed to a tandem axle truck.

Rick Strange, Fleet Manager, explained if the current 2012 rear loader goes down, this truck would act as an emergency replacement and that we are lucky to get this vehicle as orders currently take 18-24 months for delivery after being ordered.

Mr. Boesen questioned whether this is a cast-off purchase.

Rick Strange responded that this vehicle has the exact specifications that Waste Management requires.

Mr. Simon questioned finding competitive bids for these types of vehicles.

Rick Strange explained the purchase via this process is being done as we can get the truck 18 - 24 months sooner than bidding it out to other sources and that these trucks have already been bid out by other municipalities. Roll Call vote-Ayes: Six. Nays: One (Boesen). Motion carried.

Motion to approve Change Order No. 3 with Peters Construction Corporation, of Waterloo, Iowa, for a net increase of $0.00, in conjunction with the Waterloo Convention Center Restroom Renovation Project, and authorizing the Mayor to execute said document.

Motion approving Change Order No. 4 with Peters Construction Corporation, of Waterloo, Iowa, for a net increase of $0.00, in conjunction with the Waterloo Convention Center Restroom

Renovation Project, and authorizing the Mayor to execute said document.

Motion to approve Change Order No. 15 with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net increase of $61,254.50, in conjunction with FY 2021 Shaulis Road Reconstruction - Hess Road to Hwy 218 Project, Contract No. 1020, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve Change Order No. 02 with WRH, Inc., of South Amana, Iowa, for a net increase of $45,217.71, in conjunction with FY 2023 Sanitary Sewer Gatewell Repairs - Phase II Project, Contract No. 1071, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve Change Order No. 1 with Aspro, Inc., of Waterloo, Iowa, for a net increase of $117,666.40, in conjunction with FY 2024 Asphalt Overlay Program, Contract No. 1099, and authorizing the Mayor and City Clerk to execute said document.

Motion approving Change Order No. 2 with Cedar Valley Corporation LLC, of Waterloo, Iowa, for a net increase of $712,070.23, in conjunction with FY 2024 Broadway Street Reconstruction Project, Contract No. 1095, and authorizing the Mayor and City Clerk to execute said document.

Motion approving appointment of **Griffin Cameron** from the current Civil Service List to the position of Airport Operations Specialist in the Airport Department, effective May 8, 2024, pending pre-employment physical and drug testing.

Motion approving appointment of **Matt Schindel** to the position of Principal Engineer in the Engineering Department, effective June 30, 2024.

Motion approving the appointment of **Chad Hollingsworth** from the current Civil Service List to the position of Instrumentation Control Technician, in the Waste Management Services Department, effective May 15, 2024.

Communication from the Fire Department on the notice of the conclusion of employment of Melissa Tobin, EMS Administrative Assistant, effective April 5, 2024, with recommendation of approval of payout of $2,643.00 for unused benefits.

Communication from the Street Department on the notice of the conclusion of employment of Dennis Even, Equipment Operator I, effective March 29, 2024, with recommendation of approval of payout of $7,106.20 for unused benefits.

Airport Board minutes of March 27, 2024.

Complete Streets Advisory Committee minutes of February 27, 2024.

Historic Preservation Commission minutes of February 20, 2024.

Leisure Services Commission Board minutes of March 12, 2024.

Planning, Programming, and Zoning Commission minutes of January 9, 2024.

Liquor Licenses

a. Amigo Mexican Restaurant, 1415 E. San Marnan Dr., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 2/28/2025.
b. Edo's Sports Bar, 110 E. 11th St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 5/7/2025.
c. Half Pint Saloon, 1831 Independence Ave., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 4/18/2025.
d. Kwik Stop 4, 515 Broadway St., Class E Alcohol w/Sunday Sales (Renewal) Exp: 5/7/2025.
e. La Michuacana, 1221 Franklin St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 3/26/2025.
f. Lost Island Theme Park, 2600 E. Shaulis Rd., Class C Alcohol w/Outdoor Service and Sunday Sales (New) Exp: 1/8/2025.
g. Lost Island Water Park, 2225 E. Shaulis Rd., Class C Alcohol w/Outdoor Service and Sunday Sales (New 8-month) Exp: 1/12/2025.
h. Main Street Waterloo, 300 Jefferson St., Special Class C Alcohol w/Sunday Sales (New 1-Day) Exp: 5/17/2024.
i. Michoacana Meat Market, 1215 Franklin St., Class B Alcohol w/Sunday Sales (Renewal) Exp: 4/26/2025.
j. National Dairy Cattle Congress, 250 Ansborough Ave., Class C Alcohol w/Outdoor Service, Catering and Sunday Sales (Renewal) Exp: 2/28/2025.
k. Olive Garden #1489, 1315 E. San Marnan Dr., Class C Alcohol w/Sunday Sales (Renewal) Exp: 5/28/2025.
l. Prime Mart 7, 1309 Lafayette St., Class E Alcohol w/Sunday Sales (Renewal) Exp: 4/30/2025.
m. Red Carpet Golf, 1409 Newell St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 4/4/2025.
n. Anton's Garden, 518 Sycamore St., Class C Alcohol w/Outdoor Service and Sunday Sales

(Renewal) Exp: 4/30/2025.
o. Behar Bar, 312 W. 4th St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 4/30/2025.
p. Sunnyside Country Club, 1600 Olylmpic Dr., Class F Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 4/13/2025.
q. Waterloo Softball Association, 1139 Josephine St., Special Clas C Alcoho w/Outdoor Service and Sunday Sales (Renewal) Exp: 4/16/2025.
r. Majestic Moon, 1955 Locke Ave, Class C Alcohol w/Outdoor Service and Sunday Sales (New) Exp: 4/30/2025.

Motion to approve a Cigarette/Tobacco/Nicotine/Vapor Permit for New Star, 1020 Franklin Street.

Motion to approve a Fireworks Display Application by Dan Mast on behalf of East High School for the East High 1st Night Game, beginning at 9:00 p.m. on May 13, 2024, and located at 214 High Street, Waterloo.

Bonds.

PUBLIC HEARINGS

FY 2024 Budget Amendment.

Feuss/Chiles
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

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

Feuss/Chiles
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Feuss/Chiles
Resolution approving the FY 2024 Budget Amendment. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-258.

FY 2025 Levee Rip Rap Spraying Project, Contract No. 1104.

Nichols/Wilder
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

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

Nichols/Wilder
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Nichols/Wilder
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-259.

Nichols/Wilder
to receive, file, and instruct the City Clerk to read the bids. Voice vote-Ayes: Seven. Motion carried.

Engineer's Estimate: $68,875.00; Landmark Turf Services, LLC, Dunkerton, Iowa - 5% security - Bid: $53,664.00.

Nichols/Wilder
Resolution approving award of bid to Landmark Turf Services, LLC, of Dunkerton, Iowa in the amount of $53,664.00, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2025 Levee Rip Rap Spraying Project, Contract No. 1104, and authorizing the Mayor and City Clerk to execute said documents. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-260.

<u>FY 2025 Sidewalk Ramp and Trail Repair Program, Contract No. 1106.</u>

Boesen/Feuss
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

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

Boesen/Feuss
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Boesen/Feuss
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-261.

Boesen/Feuss
to receive, file, and instruct the City Clerk to read the bids and refer to the City Engineer for review. Voice vote-Ayes: Seven. Motion carried.

Engineer's Estimate: $330,862.70; Brock Even Construction, LLC, Jesup Iowa - 5% security - Bid: $255,755.05; Boulder Contracting, LLC, Grundy Center, Iowa - 5% security - Bid: $238,017.43; Tk Concrete, Inc., Pella, Iowa - 5% security - Bid: $295,531.70; Midwest Concrete, Inc., Peosta, Iowa - 5% security - Bid $253,046.61.

FY 2025 W. 11th Street Railroad Crossing Repair, Contract No. 1107.

Wilder/Nichols
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

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

Wilder/Nichols
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Wilder/Nichols
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-262.

Wilder/Nichols
to receive, file, and instruct the City Clerk to read the bids and refer to the City Engineer for review. Voice vote-Ayes: Seven. Motion carried.

Jamie Knutson, City Engineer, explained the repairs are being made on this timeline to take advantage of the school's summer schedule to avoid interruption to school bus schedules.

Engineer's Estimate: $176,673.50; Vieth Construction, Cedar Falls, Iowa - 5% security - Bid: $139,352.60; Boulder Contracting, LLC, Grundy Center, Iowa - 5% security - Bid: $94,060.66; Owen Contracting, Inc., Cedar Falls, Iowa - 5% security - Bid: $140,536.80; Lodge Construction, Inc., Clarksville, Iowa - 5% security - Bid $136,802.50.

FY 2025 Rainbow Drive Railroad Crossing Repair Project, Contract No. 1108.

Feuss/Wilder
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

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

Feuss/Wilder
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Feuss/Wilder
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-263.

Feuss/Wilder
to receive, file, and instruct the City Clerk to read the bids and refer to the City Engineer for review. Voice vote-Ayes: Seven. Motion carried.

Mr. Boesen expressed his concerns regarding truck traffic driving through residential areas during crossing closure and requested a specified route be assigned and police enforcement if not observed during construction.

Jaime Knutson, City Engineer explained the detour route to Rainbow Avenue as proposed in the plans and will inform the businesses in the area of the detour route so their drivers are made aware of the route.

Mr. Boesen requested temporary "No Trucks" signage be placed during construction.

Jaime Knutson responded he could discuss this with the Public Works Department.

Engineer's Estimate: $98,501.50; Vieth Construction, Cedar Falls, Iowa - 5% security - Bid: $65,286.20; Boulder Contracting, LLC, Grundy Center, Iowa - 5% security - Bid: $53,939.44; Owen Contracting, Inc., Cedar Falls, Iowa - 5% security - Bid: $66,767.90; Lodge Construction, Inc., Clarksville, Iowa - 5% security - Bid $60,564.20.

FY 2025 Sidewalk Inspection and Repair Program - Zone 4.

Wilder/Feuss
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of the public hearing, the Mayor called for written and oral comments.

Thomas Church, 406 Hammond Avenue, questioned if the sidewalk trip hazards could be ground down as opposed to replacing the entire sidewalk.

Mayor Hart explained Mr. Church could meet with the Engineering team to discuss his options.

Wilder/Feuss
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Wilder/Feuss
Resolution approving proposed construction of sidewalk improvements. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-264.

Wilder/Feuss
Resolution adopting Proposed Resolution of Necessity, as proposed or amended. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-265.

Street Department Seal Coat Program.

Nichols/Wilder
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of the public hearing, the Mayor called for written and oral comments.

Allen Reid, 1400 Block Cottage Grove, questioned having street repaired on Cottage Grove.

Mayor Hart directed the Street Department to contact Mr. Reid to discuss street repair options or plans.

Nichols/Wilder
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Nichols/Wilder
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-266.

Nichols/Wilder
to receive, file, and instruct the City Clerk to read the bids. Voice vote-Ayes: Seven. Motion carried.

Bituminous Materials & Supply, Des Moines, Iowa; HFMS-2S; 15,000 Gallons @ \$2.63 gal.; Total: \$39,450.00; CRS-2P; 70,000 Gallons @ \$3.09 gal.; Total: \$216,300; CSS-1 DILUTE/4:1; 38,000 Gallons @ \$1.73 gal.; Total: \$65,740.00.

Nichols/Wilder
Resolution approving award of bid to Bituminous Materials & Supply, LP, of Des Moines, Iowa, in the amount of \$321,490.00, approving the contract, bonds, and certificate of insurance, in conjunction with the Street Department Seal Coat Program, and authorizing the Mayor and City Clerk to execute said documents. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-267.

<u>Request by the City of Waterloo to rezone approximately 2.17 acres from “M-2” Heavy Industrial District to “C-P” Planned Commercial District, located at 1515 Sycamore Street, to allow for redevelopment of the Rath Administration Building into eighty-seven affordable senior housing units.</u>

Creighton-Smith/Feuss
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

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

Creighton-Smith/Feuss
to close the hearing and receive and file the recommendation of approval of the Planning, Programming and Zoning Commission. Voice vote-Ayes: Seven. Motion carried.

Creighton-Smith/Feuss
to receive, file, consider, and pass for the first time 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 request by the City of Waterloo to rezone approximately 2.17 acres from “M-2” Heavy Industrial District to “C-P” Planned Commercial

District, located at 1515 Sycamore Street, to allow for redevelopment of the Rath Administration Building into eighty-seven affordable senior housing units. Roll Call vote-Ayes: Seven. Motion carried.

Creighton-Smith/Feuss
to suspend the rules. Roll Call vote-Ayes:Seven

Creighton-Smith/Feuss
to consider and pass for the second and third times and adopt the ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned Ordinance No.5760.

Sale and conveyance of city-owned property located at 708 W. 3rd Street, in the amount of $500.00, to Tramaun Allen.

Public Hearing Canceled to be rescheduled for May 20, 2024.

Sale and conveyance of city-owned property located at 708 W. 3rd Street, in the amount of $1.00, to Iowa Heartland Habitat for Humanity, including approval of a Development Agreement for the construction of a single-family home and a grant of $5,000.00 for infill housing development, and authorizing the Mayor and City Clerk to execute said document.

Feuss/Creighton-Smith
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of the public hearing, the Mayor called for written and oral comments.

David Dryer, 3145 W. 4th Street, questioned the sales price for the property.

Noel Anderson, Community Planning and Development Director, explained the property at 708 W. 3rd Street is being split into two parcels. One parcel is to be demolished and a new home will be built by Habitat for Humanity per City policy. Mr. Allen will purchase the remaining parcel with the price contingent on whether or not the garage remains with the property.

Feuss/Creighton-Smith
to close hearing. Voice vote-Ayes: Seven. Motion carried.

Feuss/Creighton-Smith
Resolution authorizing the sale and conveyance of city-owned property located at 708 W. 3rd Street, in the amount of $1.00 to Iowa Heartland Habitat for Humanity, and authorizing the Mayor and City Clerk to execute said documents. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-268.

Feuss/Creighton-Smith
Resolution approving a Development Agreement with Iowa Heartland Habitat for Humanity for the construction of a single-family home, with a $5,000.00 infill housing grant, and authorizing the Mayor and City Clerk to execute said document. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-269.

Sale and conveyance of city-owned property located south of 3620 Wagner Road, in the amount of $1.00, to 3 Stooges LLC, including approval of a Development Agreement and Minimum Assessment Agreement with a minimum assessed value of $1,000,000.00 for the construction of two commercial buildings, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Feuss
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

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

Nichols/Feuss
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Nichols/Feuss
Resolution authorizing the sale and conveyance of city-owned property located south of 3620 Wagner Road, in the amount of $1.00 to 3 Stooges, LLC, and authorizing the Mayor and City Clerk to execute said documents.

Mr. Simon thanked Mr. Anderson for responding to his questions and asked that others be given the opportunity to receive finder's fees as in this transaction.

Noel Anderson, Community Planning and Development Director, explained the City has awarded finder's fees before to commercial realtors to show privately owned land to promote development of city-owned properties and that Planning is using different methods to promote selling city properties and getting the word out that this incentive is available.

Mr. Boesen noted the agenda refers to the item as a finder's fee, that the original packet to the council referenced a finder's fee along with the resolution setting the public hearing date but that the Development Agreement now states this is a $10,000.00 grant. Mr. Boesen questioned if the Fischels Real Estate Group was in any way related to the Fischels signing the Development Agreement,

Noel Anderson responded the Chris Fischels signing the Development Agreement is the Brother of Tony Fischels of Fischels Real Estate, that Chris Fischels is one of three owners of Three Stooges, LLC and that he is also part of a commercial realtor group and will be part owner of this project.

Mr. Boesen stated he has an issue paying a finder's fee to 3 Stooges, LLC to find property for themselves.

Noel Anderson explained Chris Fischels also found property for a project in the NE Industrial park and the same rules would apply for that project.

Mr. Simon stated he doesn't have a problem rewarding someone for improving a property and revitalizing sites, but would like to be assured this incentive is available for everyone not just a select few.

Noel Anderson stated the City Attorney reviewed the Development Agreement and does not feel there is a conflict.

Mayor Hart stated moving forward he would like some parameters established for awarding finder's fees.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-270.

Nichols/Feuss
Resolution approving a Development Agreement and Minimum Assessment Agreement with 3 Stooges, LLC, for the construction of two 9,000 square foot commercial buildings, with a minimum assessed value of $1,000,000.00 for phase I, with finders fee of $10,000.00 and rebate schedule of five years at 50% upon completion of Phase II, and authorizing the Mayor and City Clerk to execute said document. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-271.

Request by Cedar Valley Lawn Care for a Site Plan Amendment for a new commercial building in the “C-2” Commercial District and “C-2, C-Z” Conditional Zoning District located south of 4121 Alexandra Drive.

Boesen/Feuss
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Seven. Motion carried.

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

Boesen/Feuss
to close hearing and receive and file a recommendation of approval of the Planning, Programming, and Zoning Commission. Voice vote-Ayes: Seven. Motion carried.

Boesen/Feuss
to receive, file, consider and pass for the first time an ordinance amendment to 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 request by Cedar Valley Lawn Care for a Site Plan Amendment for a new commercial building in the “C-2” Commercial District and “C-2, C-Z” Conditional Zoning District located south of 4121 Alexandra Drive. Roll Call vote-Ayes: Seven. Motion carried.

Boesen/Feuss
to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Boesen/Feuss
to consider and pass for the second and third times and adopt the ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned Ordinance No. 5761.

RESOLUTIONS

Resolution appointing UMB Bank, N.A. of West Des Moines, Iowa, to serve as Paying Agent, Note Registrar, and Transfer Agent, approving the Paying Agent and Note Registrar and Transfer Agent Agreement and authorizing the Mayor and City Clerk to execute said document.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-272.

Resolution approving and authorizing a form of Loan Agreement and authorizing and providing the issuance of $5,280,000.00 General Obligation Capital Loan Notes, Series 2024B, and levying a tax to pay said notes; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-273.

Resolution appointing UMB Bank, N.A. of West Des Moines, Iowa, to serve as Paying Agent, Note Registrar, and Transfer Agent, approving the Paying Agent and Note Registrar and Transfer Agent Agreement and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-274.

Resolution approving and authorizing a form of Loan Agreement and authorizing and providing for the issuance of $720,000.00 Taxable General Obligation Capital Loan Notes, Series 2024C, and levying a tax to pay said notes; approval of the Continuing Disclosure Certificate, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-275.

Resolution appointing UMB Bank, N.A. of West Des Moines, Iowa, to serve as Paying Agent, Note Registrar, and Transfer Agent, approving the Paying Agent and Note Registrar and Transfer Agent Agreement and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-276.

Resolution approving and authorizing a form of loan agreement and authorizing and providing for the issuance of $20,000,000.00 General Obligation Capital Loan Notes, Series 2024D, and levying a tax to pay said notes; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor

assigned No. 2024-277.

Resolution approving a Professional Services Agreement with HR Green, Inc., in an amount not to exceed $5,300.00, to complete the Phase I Environmental Site Assessment at the former Waterloo Community School District's bus barn, located west of 6114 Kimball Avenue, and authorizing the Mayor to execute said document.

Boesen/Nichols
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-278.

Resolution approving an amendment to a Farm Lease Agreement with Luke Weston, dated May 4, 2020, to allow Lessee to undertake earthwork on the property located north of 2644 Independence Avenue, and deduct an amount not to exceed $8,500.00, for work performed, from the yearly rental amount of $14,583.45, and authorizing the Mayor and City Clerk to execute said document.

Boesen/Nichols
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-279.

The following members of the public provided comment on the item:
David Dryer, 3145 W. 4th Street.

Noel Anderson, Community Planning and Development Director, explained he would provide lease information to Mr. Dryer and that the drainage improvements will benefit the city upon development in the future as it will help the overall drainage in the area.

Resolution approving the Real Estate Purchase Agreement and Temporary Construction Easement Agreement with Prime RE, LLC, for properties located north of 2323 La Porte Road, South of 2134 La Porte Road, and North of 2134 La Porte Road, in the amount of $5,553.49 plus up to $2,000.00 in closing costs, in conjunction with the La Porte Road Reconstruction Project, and authorizing the Mayor and City Clerk to execute said documents.

Boesen/Nichols
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-280.

Resolution approving a variance to the requirements of the Subdivision Ordinance in Section 11-3-2 Preliminary Plats and Section 11-3-3 Final Plats, relating to the approval of the Minor Plat of Grattan Addition, a 3-lot commercial subdivision in the “C-2” Commercial District located at 935 Sheerer Avenue.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-281.

Resolution approving a request by Riverbank Investments, LLC, for the Minor Plat of Grattan Addition, a 3-lot commercial subdivision in the “C-2” Commercial District located at 935 Sheerer Avenue.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor

assigned No. 2024-282.

Resolution approving the Real Estate Purchase Agreement and Temporary Construction Easement Agreement with Shri Gayatri Ma, Inc., for property located south of 2056 La Porte Road, in the amount of $100.00 plus up to $2,000.00 in closing costs, in conjunction with the La Porte Road Reconstruction Project, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-283.

Resolution approving a request by Luke Patterson for an Encroachment Agreement to allow for the placement of a step and landing in the "C-2" Commercial District at 510 W. 5th Street, extending into the right-of-way and sidewalk of West 5th Street, and authorizing the Mayor and City Clerk to execute said document.

Boesen/Feuss
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-284.

Resolution approving a Permanent Easement Agreement and Temporary Construction Easement Agreement with Bamboo Ridge Campground Inc., for property located at 4550 La Porte Road, in the amount of $1,100.06, in conjunction with the La Porte Road Reconstruction Project, and authorizing the Mayor and City Clerk to execute said documents.

Boesen/Feuss
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-285.

Resolution approving a request by Black Hawk County for an Encroachment Agreement to allow for the construction of a bus shelter in the "R-4" Multiple Residence District in front of 1407 Independence Avenue (Pinecrest Building) and authorizing the Mayor and City Clerk to execute said document.

Boesen/Feuss
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-286.

Resolution approving a Permanent Easement Agreement and Temporary Construction Easement Agreement with TD Properties, LLC, for property located at 2213 La Porte Road, in the amount of $2,821.58, in conjunction with the La Porte Road Reconstruction Project, and authorizing the Mayor and City Clerk to execute said documents.

Boesen/Feuss
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-287.

Resolution approving a Permanent Easement Agreement and Temporary Construction Easement Agreement with Crossroad Ford, LTD, for property located south of 2033 La Porte Road, in the amount of $2,532.77, in conjunction with the La Porte Road Reconstruction Project, and authorizing the Mayor and City Clerk to execute said documents.

Boesen/Feuss
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-288.

Resolution approving Temporary Construction Easement Agreements with: Lost Island Water Park Inc., for property located at 225 East Shaulis Road, in the amount of $416.80, Lost Island Real Estate LC, for property located West of 225 East Shaulis Road and East of 4550 La Porte Road, in the amount of $2,951.88, Dhani Mahaveer Inc., for property located at 2141 La Porte Road and 2153 La Porte Road, in the amount of $1,606.76, Dilip Hotels LLC, for property located at 2127 La Porte Road, in the amount of $1,820.84, Gawaam Com LLC, for property located at 2115 La Porte Road, in the amount of $100.00, Debra M. Youngblut, for property located at 2026 Bopp Street, in the amount of $3,429.51, Shri Ganapati and Bajrangbali In., for property located at 2134 La Porte Road, in the amount of $2,189.17, and Mutual Wheel Company Inc., for property located 2277 La Porte Road, in the amount of $503.02, in conjunction with the La Porte Road Reconstruction Project, and authorizing the Mayor and City Clerk to execute said documents.

Feuss/Wilder
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-289.

Resolution approving a Temporary Construction Easement Agreement in the amount of $611.52, and a Permanent Easement Agreement in the amount of $5,066.88, for a total compensation amount of $5,678.40, with JRL Holding Company, LC, related to the Titus Lift Station and Force Main Project, located at 306 Thorson Avenue, and authorizing Mayor and City Clerk to execute said documents.

Creighton-Smith/Wilder
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-290.

Resolution approving an Amendment to the Development Agreement and Minimum Assessment Agreement with JSA Development, LLC, originally executed March 6, 2017, amending to strike 516 Pine Street and 521 Pine Street threrefrom, and authorizing Mayor and City Clerk to execute said documents.

Creighton-Smith/Wilder
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-291.

Mr. Chiles requested an overview of the status of the properties.

Noel Anderson, Community Planning and Development Director, explained Habitat will be taking over 516 Pine Street instead of JSA for rehab, but they are still looking at 521 Pine Street to determine if they are still able to rehab the open due to its poor condition.

Resolution approving a Biogas Supply/Land Lease Agreement with Waterloo RNG 1, LLC, an Oklahoma limited liability company and authorizing the Mayor to execute said documents.

Creighton-Smith/Wilder
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-292.

Brian Bowman, Waste Management Services, noted he feels the land lease agreement has been properly vetted.

Mr. Boesen noted he had some questions regarding the lease agreement but that his questions have been answered by the departments and approves of the agreement.

Mr. Feuss noted he also spoke with Randy Bennett and thanked him for working through the agreement.

Ms. Creighton-Smith left the meeting at 7:07 P.M.

Resolution approving a Creative Services Consultant Agreement with 4C's of Waterloo, Iowa, in the amount of $20,000.00, in conjunction with the Waterloo Bicycle Education and Enforcement Project, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Wilder
Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-293.

Mr. Boesen noted he finds the West and East Park bike trails very confusing and hopes trail plans change in the future.

Resolution Approving Amendment No. 1 to the Professional Services Agreement with AECOM of Waterloo, Iowa, originally executed on February 24, 2023, in conjunction with the FY 2024 CIP Pipelining Phase IVB1 Project, and authorizing the Mayor to execute said document.

Nichols/Wilder
Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-294.

Resolution approving a Professional Service Agreement with WHKS of Mason City, Iowa, in the amount of $21,400.00, in conjunction with developing two grant applications for the Ridgeway Avenue and Hammond Avenue proposed roundabouts, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Wilder
Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-295.

Resolution approving a Professional Services Agreement with Hawkeye Alarm, in the amount of $106,754.00, for re-keying the Public Works building and gates, and authorizing the Mayor and City Clerk to execute said documents.

Ms. Creighton-Smith rejoined the meeting at 7:10 p.m.

Feuss/Chiles
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-296.

Resolution approving a Federal-aid Agreement with the Iowa Department of Transportation to administer Raise Grant funds in conjunction with the La Porte Road Improvements from Shaulis Road to Byron Avenue, and authorizing the Mayor and City Clerk to execute said document.

Feuss/Chiles
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-297.

Resolution approving a Raise Grant Agreement with the US Department of Transportation in conjunction with the La Porte Road Improvements from Shaulis Road to Byron Avenue, and authorizing the Mayor to execute said document.

Feuss/Chiles
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-298.

ADJOURNMENT

Feuss/Wilder
that the Council adjourn at 7:12 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk