May 20, 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 20, 2024.

Roll Call.

Mayor Pro Tem Ray Feuss 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, Ray Feuss, Ward 5 Council Member.

Approval of Agenda as proposed or amended.

Chiles/Nichols
that the agenda, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

Approval of Minutes of May 6, 2024, Regular Council Session as proposed or amended.

Chiles/Nichols
that the minutes of May 6, 2024, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

PUBLIC COMMENTS

The following individuals commented on various subjects.

Mary Potter, Grout Museum Board Member
Jenna Petersen, Iowa Heartland Habitat for Humanity
Larry Stumme, 1008 Lois Ln
Aaron Stacey Roberts, 411 Almond St
Barb Perizek, 331 Argyle St
Beverly Cosby, 315 Wendell Ct
Michelle Brooks, 1026 Ash St
Vapordeal Sanders, 317 Webster St

Mr. Chiles commented that a ward meeting will occur at Sidecar Coffee on West Ridgeway Avenue this Saturday at noon.

Ms. Creighton-Smith questioned if any studies have been done on Hy-Vee leaving the area.

Aric Schroeder, City Planner, explained that he is not aware of any studies, SWOT analysis or any proposed use for the site at this time, but that he can discuss this with Noel Anderson.

Ms. Creighton-Smith commented that the issue at hand is much greater than areas that are marginalized, minoritized and racism, its about the system in operation that continues to reproduce after its kind that must be dismantled. Council needs to get to the core of the problem and listen to our constituents and take action.

Mr. Boesen shared that he sits on the Black Hawk Gaming Commission and celebrated the amount of work that is going into the Walnut Neigborhood.

Mr. Nichols shared that he will have a ward meeting coming up at the Waterloo Public Library on May 28th at 5:30 p.m.

Ms. Wilder apologized that HyVee is leaving but shared that council members and Mayor are meeting with leaders of HyVee on what can be done.

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

CONSENT AGENDA

Chiles/Wilder
that the following items on the consent agenda be received and placed on file, including an amendment to Consent Agenda Item No. 14, updating the amount from $10,110.03 to $9,859.72, an amendment to the Bills Payment for April 22, 2024, in the amount of $3,951,505.09, May 13, 2024, in the amount of $6,127,872.52 and May 20, 2024, in the amount of $4,689,802.57.

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

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-299.

Resolution approving the request of Scott Whiteman, for a waiver for a concrete driveway, located at 2014 Ashland Avenue, and authorizing the construction of a concrete driveway and placing a driveway or sidewalk on the city right-of-way on an unimproved street.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-300.

Resolution approving the request of Dennis Payne for a waiver for a concrete driveway, located at 145 Lovejoy Avenue, with the elimination of the sidewalk section due to inability to meet grade requirements.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-301.

Resolution approving the request of Mirsad Sabic for a waiver for a concrete driveway, located at 4048 E. Shaulis Road, with the elimination of the sidewalk section due to inability to meet grade requirements.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-302.

Resolution approving the request of Irene Shriver for a waiver for an asphalt driveway, located at 425 Sheridan Road, with the elimination of the sidewalk section due to inability to meet grade requirements.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-303.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as June 13, 2024, and date of public hearing as June 17, 2024, in conjunction with the FY 2024 Hawthorne Avenue Storm Sewer Lift Station Relief Well Project, Contract No. 1066, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-304.

Resolution setting date of public hearing as June 3, 2024, for the sale and conveyance of city-owned property located at 1738 Flower Street, in the amount of $10,000.00, to Babic Properties, LLC, including approval of a Development Agreement for the construction of an 8-plex apartment building, a grant of $5,000.00 per unit for a total grant of $40,000.00 for infill housing development, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-305.

Resolution setting date of public hearing as June 3, 2024, for the sale and conveyance of city-owned property located east of 127 Conger Street, in the amount of $1.00, to Perry and Michelle M. Gamblin, including approval of a Development Agreement for construction of an accessory structure, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-306.

Resolution approving award of bid to Boulder Contracting, LLC, of Grundy Center, Iowa, in the amount of $238,017.43, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2025 Sidewalk Ramp and Trail Repair Program - Zone 4, Contract No. 1106, 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. 2024-307.

Resolution approving award of bid to Boulder Contracting, LLC, of Grundy Center, Iowa, in the amount of $94,060.66, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2024 11th Street Railroad Crossing Repair Project, Contract No. 1107, 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. 2024-308.

Resolution approving award of bid to Boulder Contracting, LLC, of Grundy Center, Iowa, in the amount of $53,939.44, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2024 Rainbow Drive Railroad Crossing Repair Project, Contract No. 1108, 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. 2024-309.

Resolution in support of an application by The 415 Walnut Collective, for the Iowa Workforce Housing Tax Credit Program application to the Iowa Economic Development Authority, to construct three new market rate apartments within the Walnut Church, located at 415 Walnut Street, including a grant of $15,000.00 as approved by city council by Resolution No. 2023-047 on January 17, 2023.

Roll Call vote-Ayes: Six. Nays: One (Creighton-Smith). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-310.

Resolution in support of an application by The Martin Flats, LLC, for the Iowa Workforce Housing Tax Credit Program application to the Iowa Economic Development Authority, to construct two new market rate apartments on the upper level, located at 319 E. 4th Street, including a grant of $199,000.00 for the overall redevelopment project and fifteen years of rebates at 70 percent as approved by city council by resolution No. 2023-744 on November 20, 2023.

Roll Call vote-Ayes: Six. Abstain: One (Wilder) for business reasons. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-311.

Resolution approving request to certify assessments for unpaid snow, weed mowing and lot clean-ups, for payments dated January 1, 2023 - March 1, 2024, in the amount of $9,859.72, for properties listed on attached exhibit "A".

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-312.

Resolution approving cancellation of assessment for property located at 2306 Clearview Street, in the amount of $230.67, and authorizing the City Clerk to notify Black Hawk County Treasurer of said cancellation.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-313.

Resolution approving Acknowledgment/Settlement Agreement for Tobacco Violation - First Offense with Byron Mart, 306 Byron Avenue, Waterloo, Iowa, and acceptance of a civil penalty in the amount of $300.00, 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. 2024-314.

Resolution approving Acknowledgment/Settlement Agreement for Tobacco Violation - Second Offense with West Side Liquor, 919 W. 5th Street, Waterloo, Iowa 50702, and acceptance of a civil penalty in the amount of $1,500.00, 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. 2024-315.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing two Chevy Traverse vehicles, in the amount of $66,507.20, from Enterprise Fleet Management, for the Police Department.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-316.

Motion to accept and place on file the arbitrage results reflecting that a yield reduction liability payment of $772.27 is due to the Internal Revenue Service for the General Obligation Bonds Series 2019A.

Motion to accept and place on file the arbitrage results reflecting that a yield reduction liability payment of $1,182.98 is due to the Internal Revenue Service for the General Obligation Bonds Series 2020A.

Motion to approve Change Order No. 1 with Hawkeye Flat Roof Solutions, LLC, of Toledo, Iowa, for a net increase of $12,500.00, in conjunction with City Hall Roof Repair, and authorizing the Mayor and City Clerk to execute said document.

Roll Call vote-Ayes: Six. Nays: (Simon). Motion carried.

Motion to approve Change Order No. 04 with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net increase of $34,652.72, in conjunction with FY 2022 Park Avenue Bridge Replacement Project, Contract No. 1013, DOT Contract No. BRM-CHBP-8155(771)--NB-07, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve a Fireworks Display Application by the Waterloo Bucks Ball Club for home games beginning at 10:00 p.m. for approximately 10 minutes on May 28, June 8, June 15, July 2, July 4, July 6, July 20 and August 3, 2024.

Motion to approve appointment of **Indira Krusko,** from the current civil service list, to the position of Intake Specialist in the Community Development Department, effective May 22, 2024.

Chris Fischels, Board/Commission: Design Review Board, Expiration Date: May 20, 2027, New.

Communication from the Fire Department on notice of the conclusion of employment of Michael McClelland, Firefighter, effective May 1, 2024, with recommendation of approval of payout of $180.40 for unused benefits.

Liquor Licenses

a. Casey's General Store #2427, 3035 Logan Ave., Class E Alcohol w/Sunday Sales (Renewal) Exp: 6/14/2025.
b. El Mercadito, 520 La Porte Rd., Class B Alcohol w/Sunday Sales (Renewal) Exp: 6/20/2025.
c. Golden China, 106 Brookeridge Dr., Class C Alcohol w/Sunday Sales (Renewal) Exp: 5/4/2025.
d. Linn Mart, 926 Linn St., Class B Alcohol w/Sunday Sales (Renewal) Exp: 4/17/2025.
e. LuckyWife Wine Slushies, 4022 Sergeant Rd., Special Class C Alcohol w/Outdoor Service and Sunday Sales (New 5-Day) Exp: 7/21/2024.
f. Lucky Wife Wine Slushies, 4022 Sergeant Rd., Special Class C Alcohol w/Outdoor Service and Sunday Sales (New 5-Day) Exp: 9/29/2024.
g. Steamboat Gardens, 1740 Falls Ave., Class C Alcohol w/Sunday Sales (Renewal) Exp: 6/13/2025.
h. Smitty's Bar, 709 Jefferson St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 5/26/2025.
i. The Isle Casino Hotel Waterloo, 777 Isle of Capri Blvd., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 4/30/2025.
j. Basal Pizza, 225 W. 4th St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 4/30/2025.

Bonds.

PUBLIC HEARINGS

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 and Real Estate Contract for the rehabilitation of a garage and construction of a fence.

Boesen/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.

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

Boesen/Chiles
Resolution authorizing the sale and conveyance of city-owned property located at 708 W. 3rd Street, in the amount of $2,000.00 to Tramaun Allen, 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. 2024-317.

Boesen/Chiles

Resolution approving a Development Agreement and Real Estate Contract with Tramaun Allen for the rehabilitation of a garage and construction of a fence, 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. 2024-318.

2024-2025 Residential Lots/Miscellaneous Areas Mowing and Lot Maintenance Services Contract re-bid for city-owned lots generally maintained by the Planning and Zoning Department.

Chiles/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.

David Dryer, 3145 W. 4th Street, commented that he would like to see the actual cost, not just per occurrence.

Chiles/Wilder
to close the hearing and receive and file oral comments. Voice vote-Ayes: Seven. Motion carried.

Chiles/Wilder
Resolution confirming approval of plans, specifications, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-319.

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

Bid Estimate: A: $18 per lot/occurrence (under 1 acre) / B: $75 per hour/per occurrence (more than 1 acre)
B&B Lawn Care, Inc. Waterloo, IA - 5% - A: $11.41 / B: $49.99

Mr. Boesen questioned how many acres 310 Upland is as that property was just added to city owned property.

Aric Schroeder, City Planner, commented that it is in the 4 to 5 acre range.

Mr. Boesen commented that it is incredibly important to market and sell city owned lots.

Chiles/Wilder
Resolution awarding bid to B&B Lawn Care, Inc., of Waterloo, Iowa, in the amount of $11.41 per lot per occurrence for lots under 1 acre, and $49.99 per acre per occurrence for lots 1 acre or more, in conjunction with the 2024-2025 Residential Lots/Miscellaneous Areas Mowing and Lot Maintenance Services Contract re-bid for city-owned lots generally maintained by the Planning and Zoning Department. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-320.

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.

Wilder/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.

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

Wilder/Chiles
Resolution authorizing 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, 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. 2024-321.

Wilder/Chiles
Resolution approving a Development Agreement with Iowa Hartland Habitat for Humanity for the rehabilitation of a single-family home at 516 Pine Street, 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. 2024-322.

Request by King Automotive to rezone approximately 1.76 acres from “C-2” Commercial District to “M-1” Light Industrial District for the potential expansion of an existing salvage yard located south of 275 Rampart Lane.

Boesen/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.

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

BoesenWilder
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 King Automotive to rezone approximately 1.76 acres from “C-2” Commercial District to “M-1” Light Industrial District for the potential expansion of an existing salvage yard located south of 275 Rampart Lane. Roll Call vote-Ayes: Seven. Motion carried.

Ms. Creighton-Smith questioned how close this is to homes in the area.

Aric Schroeder, City Planner, explained the closest home would be several hundred feet at the closest point.

Ms. Creighton-Smith thanked Mr. Schroeder and explained that if it had been only one hundred feet she could not vote in favor.

Mr. Chiles questioned if the city has received complaints about this particular companyl

Ar Schroeder commented there ave not been any complaints.

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

Boesen/Wilder
to receive, consider, file, 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 No. 5762.

RESOLUTIONS

Resolution approving a Permanent Easement Agreement in the amount of $1,602.72, with Hy-Vee, Inc., for sidewalk and traffic signal infrastructure, located near 2181 Logan Avenue, in relation to roadway improvements at the North Crossing Development, and authorizing the Mayor and City Clerk to execute said document.

Chiles/Wilder
Roll Call vote-Ayes: Six. Nays: One (Creighton-Smith). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-323.

Resolution approving a request by Cedar Valley Fish Market for an Encroachment Agreement to allow for the placement of a food trailer and related items in the right-of-way in front of 218 Division Street, and authorizing the Mayor and City Clerk to execute said documents.

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-324.

ADJOURNMENT

Chiles/Wilder
that the council adjourn at 6:16p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk