June 3, 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, June 3, 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, Steve Simon, At-Large Council Member.

Approval of Agenda.

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

Approval of Minutes of the May 20, 2024, Regular Council Session and the May 23, 2024, Special Council Session, as proposed or amended.

Feuss/Nichols
that the minutes of May 20, 2024, Regular Session and the May 23, 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 and Grout Museum Trustee
Aaron Stacey Roberts, 411 Almond Street
Jenna Peterson, Habitat for Humanity, 803 W. 5th Street
Shanise Shavon, Representative of Parent Partner Project
David Dryer, 3145 W. 4th Street
Forest Dillavou, 1725 Huntington Road
Todd Obadal, 124 Amity Drive
Beverly Cosby 315 Wendell Court

Mr. Chiles thanked constituents for attending his ward meeting on Saturday. He shared that he wants to meet with Ward 1 business owners starting in August. He commented on ongoing concerns about excessive noise and loud music around Byrnes Park during the early morning hours on weekends. It is his understanding that the police are unable to determine if a noise variance was issued. He questioned if the new software system can help police determine if a permit was issued.

Mayor Hart encouraged Mr. Chiles to work with the Police Liaison and Neighborhood

Coordinator to address the issue.

Ms. Wilder shared that Logan HyVee will hold a block party with free food and a bouncy house, from 3-7 p.m. on Thursday, June 6, and information will be handed out on what they will be offering the community, including a transportation system to the other Hy-Vee and free delivery until September.

Mr. Nichols shared that there will not be restrictive covenants on the building like there have been with other buildings, and said that there has been discussion on partnering with places in the community that may offer other transportation options.

Ms. Creighton-Smith shared that she will hold a ward meeting on Thursday at 5:30 p.m. at the Boys and Girls Teen Center.

Mayor Hart added that Hy-Vee has been in that location since 1969, so it is a challenge to work through the loss of the location.

Mr. Simon shared that he reached out to the regional Vice President about the store closing.

Mr. Boesen shared the use times that are allowed for setting off fireworks in Waterloo in 2024. He also asked for an update on street sweeping. He asked for a conversation about moving Code Enforcement under the Police Department.

Randy Bennett, Public Works Division Manager, shared that the sweepers have been out but does not have specifics available but would provide council with that as soon as he can confirm the information.

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

CONSENT AGENDA

Feuss/Wilder
that the following items on the consent agenda be received and placed on file, including payment of bills for May 28, 2024, in the amount of $17,463,763.45, and June 3, 2024, in the amount of $4,627,580.89. 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.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-325

Resolution approving the request by Kristina Cook, for tax exemptions on the construction of a twin home unit valued at $269,900.00, for property located at 4149 Omaha Avenue and located in the City Limits Urban Revitalization Area (CLURA).

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-326.

Resolution approving the request by Muhamed Kudic, for tax exemptions on the construction of a new single-family home valued at $278,400.00, for property located at 4503 Charm Drive and located in the City Limits Urban Revitalization Area (CLURA).

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-327.

Resolution approving the request of Tim Bedard for a waiver for an asphalt driveway located at 2529 Kate Street, with elimination of the sidewalk section.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-328.

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 nineteen new residential units, located at 1729 Mulberry Street, including a potential for tax abatement of at least $1,000.00 per unit through the Consolidated Urban Revitalization Area tax abatement program upon substantial completion and project shall also receive $95,000.00, or $5,000.00 per housing unit created per the Infill Housing Program, upon receipt of certificate of occupancy.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-329.

Resolution approving eleven FY 25 Quarter 1 and Quarter 2 Event and Partner Hotel/Motel Tax Grants, in the amount of $74,000.00, as recommended by the Waterloo Convention and Visitors Bureau Board of Directors.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-330.

Resolution approving the installation of a speed hump in the 1000 block of Flammang Drive.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-331.

Resolution setting date of public hearing as June 17, 2024, in conjunction with the FY 2023 Hammond Avenue Bridge Replacement Project, Contract No. 922, IDOT Project No. BROS-8155(759)--8J-07, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-332.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as June 20, 2024, and date of public hearing as July 1, 2024, in conjunction with Asbestos Abatement Services Contract No. AB-2024-06-01P, for property located at 123 E. Parker Street, former Saint Mary's Villa (rebid).

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-333.

Resolution approving a three-year engagement letter with Creative Planning Business Services of Des Moines, IA, in the total amount of $1,575.00 over the three years, in conjunction with the

PlainSight Fraud Hotline services provided with the approved audit proposal with BerganKDV, and authorizing the Finance Director said document.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-334.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as June 6, 2024, and date of public hearing as June 17, 2024, in conjunction with Asbestos Abatement Services Project, Contract No. AB-2024-05-08P, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-335.

Motion approving Change Order No. 1 with WRH Inc., of South Amana, Iowa, for a net increase of $58,822.15, in conjunction with Titus Lift Station and Force Main Project, Contract No. 975, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve Change Order No. 1 with Municipal Pipe and Tool Co., LLC, of Hudson, Iowa, for a net increase of $29,355.94, in conjunction with FY 2024 CIP Pipelining Phase IVB1 Project, Contract No. 1102, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve a Fireworks Display Application by Dan Mast for the East vs. West baseball game on June 4, 2024, beginning at 9:30 p.m. for approximately 5 minutes.

Communication from the Leisure Services Department on the notice of the conclusion of employment of Madonna Welsh, Office Coordinator/Bookkeeper, effective May 24, 2024, with recommendation of approval of payout of $17,390.63 for unused benefits.

Emily Hanson, Board/Commission: Library Board of Trustees, Expiration Date: June 30, 2030, [New].

Lynn LaGrone, Board/Commission: Library Board of Trustees, Expiration Date: June 30, 2030, [New].

James Lentfer, Board/Commission: Veteran Memorial Hall, Expiration Date: June 3, 2027, [Renewal].

Leisure Services Commission Board minutes of April 9, 2024.

Historic Preservation Commission minutes of March 19, 2024.

Planning, Programming, and Zoning Commission minutes of March 12, 2024.

Airport Board meeting minutes of April 24, 2024.

Liquor Licenses

a. The American Legion, 728 Commercial St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 6/14/2025.
b. Experience Waterloo, Lincoln Park, Special Class C Alcohol w/Outdoor Service and Sunday Sales (New 5-Day) Exp: 6/9/2024.
c. Hickory House, 315 Park Rd., Class C Alcohol w/Sunday Sales (Renewal) Exp: 5/23/2025.
d. Riverloop Expo Plaza, 400 Jefferson St., Special Class C Alcohol w/Outdoor Service and Sunday Sales (New) Exp: 1/24/2025.
e. Rodney's Kitchen Soul Food & Catering, 624 Sycamore St., Special Class C Alcohol w/Sunday Sales (New) Exp: 6/14/2025.
f. Main Street Waterloo, Lincoln Park, Special Class C Alcohol w/Outdoor Service and Sunday Sales (New 5-Day) Exp: 6/21/2024, 7/12/2024, 8/9/2024 and 8/30/2024
g. Main Street Waterloo, Riverloop Expo Plaza, Special Class C Alcohol w/Outdoor Service and Sunday Sales (New 5-Day) Exp: 8/31/2024.
h. Southtown Lounge, 2026 Bopp St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 6/7/2025.
i. Main Street Waterloo, 300 Jefferson St., Special Class C Alcohol w/Sunday Sales (New) Exp: 6/15/2024.

Motion to approve denial of a Liquor License application for Dollar General #4698, 2935 Logan Avenue, Waterloo, due to failure to pass fire inspections.

Bonds.

PUBLIC HEARINGS

Sale and conveyance of city-owned property located east of 127 Conger Street in the amount of $1.00, to Perry & Michelle Gamblin, including approval of a Development Agreement to include the construction of a garage with a minimum size of 24 feet by 24 feet, and authorizing the Mayor and City Clerk to execute said documents.

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

Nichols/Creightson-Smith
Resolution approving the sale and conveyance of city-owned property located east of 127 Conger Street, in the amount of $1.00, to Perry and Michelle Gamblin. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-336.

Mr. Boesen raised concerns that they have two years to build a garage.

Noel Anderson, Community Planning and Development Director, shared that the time frame will work with their finances.

Mayor Hart questioned when they would start paying property taxes and mowing the property.

Noel Anderson explained that the property will be conveyed right away, so property taxes will begin with the next tax cycle and the city will no longer perform any maintenance.

Nichols/Creighton-Smith
Resolution approving a Development Agreement to include the construction of a garage with a minimum size of 24 feet by 24 feet, 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. 2024-337.

<u>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 approval of an Early Access Agreement.</u>

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.

Forest Dillavou, 1725 Huntington Road, complimented Mr. Chiles for his involvement to help move this along. He shared that his only concern is that we are approving 58 housing units and with our population staying the same and possibly even lessening, the city doesn't need more 657A properties.

Chiles/Wilder

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

Chiles/Wilder
Resolution approving the sale and conveyance of city-owned property located at 1738 Flower Street, in the amount of $10,000.00, to Babic Properties, LLC, and authorizing the Mayor and City Clerk to execute said deed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-338.

Chiles/Wilder
Resolution approving 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 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. 2024-339.

Chiles/Wilder
Resolution approving an Early Access Agreement with Babic Properties, LLC, for property located at 1738 Flower Street, 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. 2024-340.

RESOLUTIONS

Resolution approving a Renewal Agreement with Delta Dental for fees associated with administration, in the amount of $38,013.00, and authorizing the Mayor and City Clerk to execute said document.

Wilder/Boesen
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-341.

Resolution approving a Renewal Agreement with Wellmark Blue Cross Blue Shield for fees associated with administration, network access, and stop loss, and authorizing the Mayor and City Clerk to execute said document.

Wilder/Boesen
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-342.

Resolution approving Fiber Project Reimbursement Agreement by and between the City of Waterloo and the Waterloo Municipal Communications Utility, and authorizing the Mayor and City Clerk to execute said document.

Wilder/Boesen
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-343.

Resolution approving an Automated Traffic Enforcement fine schedule for speeding and red light violations and rescinding Resolution No. 2017-639 in its entirety.

Wilder/Boesen

David Dryer, 3145 W. 4th Street, questioned the reason for changing the fee.

Joe Leibold, Police Chief, shared that the purpose of the resolution is to update the fees to align with the state law.

Mr. Boesen questioned if the Gatso camera tickets also have a graduated fee schedule.

Joe Leibold explained that the Gatso system did not have the technology to implement it.

Mr. Boesen questioned if we are still using off-duty officers to review the cameras.

Joe Leibold explained that they are on-duty officers that are sometimes paid overtime based on volume.

Rob Duncan, Police Captain, shared that they started collections with Municipal Collections of America three months ago, so they really don't have updated data at this point. His estimate is that there will be a higher rate of ticket payment of perhaps seventy percent.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-344.

Resolution approving a Development and Minimum Assessment Agreement with Fusion Investments II, LLC, for a 51,900 square foot industrial building, with a minimum assessed value of $2,520,450.00, located at 3530 Marnie Avenue, with rebates of 90 percent for years one through three, 85 percent for years four through six, 75 percent for years seven through nine and 65 percent for years ten through fifteen, and authorizing the Mayor and City Clerk to execute said documents.

Boesen/Nichols

David Dryer, 3145 W. 4th Street, commented on how the extension of development agreements affects the citizens.

Mr. Boesen commented that though there are a lot of these buildings getting tax rebates there is still a portion that comes back to the city. He also shared that he appreciates that some of these powerful incentives are bringing jobs to the area that pay decent wages. He supports this agreement and with three more lots out there, hopefully there will be more development agreements that bring even more jobs to Waterloo.

Mr. Chiles pointed out that there is nothing at this specific location right now, so with nothing there, there is no assessed value. By approving this development agreement, it will be adding value to the city and bringing money towards us.

Noel Anderson commented that this is similar to what we have done with other sites like the old greyhound track. He added that the city has zero dollars invested in this. He provided an overview of the project and said that there is approximately 5.179 million in new value coming in with two more buildings currently on review in our office now.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-345.

Resolution approving a Development Agreement with C 10 Investments, LLC, for the construction of a 12-unit residential building on an infill lot located next to 150 Acadia Street, including a $60,000.00 infill incentive upon substantial completion, and authorizing the Mayor and City Clerk to execute said document.

Boesenl/Nichols

Mr. Simon commented that he had some individuals reach out opposed to the apartment complex going into that location and questioned if the city received any feedback or complaints from citizens about the project.

Noel Anderson, Community Planning and Development Director, said that the area was already zoned for multifamily housing, so no notification was required. He explained that in working with the developer for the design, they tried to keep parking further away from the single family homes with green space in between.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-346.

Resolution approving a Development and Minimum Assessment Agreement with J & R Real Estate Holdings, LLC, for the rehabilitation of 1721-1729 Mulberry Street into nineteen residential units, a daycare, and community space, including the Infill Housing Incentive of $5,000.00 per residential unit, Consolidated Urban Revitalization Area tax abatement and a Minimum Assessment Agreement of $2,500,000.00, 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. 2024-347.

Resolution approving a Development Agreement with Amela and Muhamed Kudic for the construction of an infill lot located at 4503 Charm Drive, including $5,000.00 of Infill Housing incentive payment upon completion of a new home, and authorizing the Mayor and City Clerk to execute said document.

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-348.

Resolution approving an amendment to the Development and Minimum Assessment Agreement with Gearhart Moore Holdings, LLC, originally executed April 15, 2024, to change the name of the company to 1515 Sycamore, LLC, and authorizing the Mayor and City Clerk to execute said document.

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-349.

Resolution terminating a Development and Minimum Assessment Agreement dated February

19, 2024, with NADROJ Realty, LLC, for property located south of 115 Warp Drive.

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-350.

Resolution approving Amendment No. 3 with Strand Associates of Madison, Wisconsin, originally executed September 9, 2021, for design, bidding and construction-related services, in conjunction with the Wastewater Treatment Plant Final Clarifier No. 3 Rehabilitation Project, and authorizing the Mayor to execute said document.

Creighton-Smith/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-351.

Resolution approving a Professional Services Agreement with HR Green, Inc., in an amount not to exceed $17,300.00, to complete a Phase II 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.

Creighton-Smith/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-352.

Resolution approving a Project Funding Agreement with the Waterloo Development Corporation for asbestos abatement of properties located at 100 Commercial Street, 118 Sycamore Street, and 128 Sycamore Street, and authorizing the Mayor and City Clerk to execute said document.

Creighton-Smith/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-353.

Resolution approving a Professional Services Agreement with ISG Inc., of Waterloo, Iowa, in the amount of $3,000.00, in conjunction with preparing a Traffic Safety Improvement Program grant application for traffic signal snow cone retrofit, and authorizing the Mayor and City Clerk to execute said document.

Creighton-Smith/Nichols

Mr. Boesen questioned what a snow cone retrofit is.

Mohammad Elahi, Traffic Operations Director, explained that the retrofit is a clear cone that prevents traffic signals from being completely covered with snow.

Mr. Boesen questioned what the total cost would be if we were awarded this grant.

Mohammad Elahi provided an overview of the cost, which is estimated to be approximately $80,000 for the retrofit of 800 traffic signals.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-354.

Resolution approving a Service Agreement with the University of Northern Iowa, of Cedar Falls, Iowa, in the amount of $5,368.00, in conjunction with the digitization of the City of Waterloo Traffic Ordinance, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Boesen
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-355.

Resolution approving an update to the Raise Grant Agreement, with the US Department of Transportation, originally approved May 6, 2024, in conjunction with the La Porte Road Improvements from Shaulis Road to Byron Avenue, and authorizing the Mayor to execute said document.

Nichols/Boesen
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-356.

Resolution approving a Permanent Easement Agreement and Temporary Construction Easement Agreement with Stevana M. O' Connor, for property located at 2203 La Porte Road, in the amount of $423.62, in conjunction with the La Porte Road Reconstruction Project, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Boesen
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-357.

ORDINANCES

An ordinance amending the City of Waterloo Code of Ordinances by amending the City of Waterloo Traffic Code by adding Subsection (4) Johnson Street to Section 542, One-Way Streets and Alleys.

Wilder/Chiles
to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Code of Ordinances by amending the City of Waterloo Traffic Code by adding Subsection (4) Johnson Street to Section 542, One-Way Streets and Alleys. Roll Call vote-Ayes: Seven. Motion carried.

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

Wilder/Chiles
to receive, file, consider, and pass for the second and third times and adopt said ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5763.

An ordinance amending the Code of Ordinances by amending the City of Waterloo Traffic Code by adding Subsection (16a) Western Avenue to Section 542, One-Way Streets and Alleys.

Boesen/Chiles

to receive, file, consider, and pass for the first time an ordinance amending the Code of Ordinances by amending the City of Waterloo Traffic Code by adding Subsection (16a) Western Avenue to Section 542, One-Way Streets and Alleys. Roll Call vote-Ayes: Seven. Motion carried.

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

Boesen/Chiles
to receive, file, consider, and pass for the second and third times and adopt said ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5764.

ADJOURNMENT

Nichols/Boesen
that the council adjourn at 6.39 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk