



**THE CITY COUNCIL OF WATERLOO, IOWA
REGULAR SESSION TO BE HELD AT
Harold E. Getty Council Chambers
Monday, July 1, 2024
5:30 PM**

**CITY OF WATERLOO
COMMUNITY VISION PLAN**

1. Fly the W: To develop a sense of pride and relationship between residents and the City of Waterloo, and then leverage that pride to communicate the City's attributes to external audiences.
2. Elevate Housing: Redevelop, renovate, or improve 800 residences in Waterloo in eight years by providing access to capital.
3. Celebrate and Connect Neighborhoods: To leverage Waterloo's rich tradition of neighborhoods by celebrating and connecting them with the community and region at large.
4. Waterloo Works: Grow a diverse and skilled workforce in Waterloo that connects people and employers for mutual growth.
5. Crossroads Doubledown: Re-energize the Crossroads Mall area into a sports/recreation-themed gravitational center.
6. Power Up Downtown: Keep Waterloo's core downtown evolving to meet the needs of future generations, supporting and showcasing arts and cultural opportunities and creating an experience like no other.
7. Sportstown USA: To generate excitement, develop youth, and drive investment and economic impact from year-round visitors.
8. Community of Opportunity: Eliminate barriers that keep Waterloo residents, and the community as a whole, from reaching its true potential, creating an equitable, thriving, and sustainable community for future generations.
Waterloo is a Community of Opportunity, where everyone can prosper.

GENERAL RULES FOR PUBLIC PARTICIPATION REGULAR SESSION AGENDA

- A. Iowa Code Chapter 21 gives the public the right to attend council meetings, but it does not require cities to allow public participation except during public hearings. The public

is required to follow the rules listed in this article when speaking during any meeting of the city council.

- B. At the presiding officer's discretion, individuals may address the presiding officer by stepping to the podium, and after recognition by the presiding officer, shall state their name, address, and group affiliation, if appropriate, and speak clearly into the microphone.
- C. Comments shall be germane and refrain from personal, impertinent, or slanderous remarks.
- D. Cell phones and electronic devices shall be set to silent prior to the start of the meeting.

RULES FOR PUBLIC COMMENT SECTION OF THE AGENDA

- A. Individuals shall speak one (1) time on only one (1) issue for a maximum of three (3) minutes During the public comment section of the agenda. The public shall not be required to pre-register to speak during public comment. Individuals shall only speak on matters not listed on the regular agenda for that date. Any matter presented shall be directed to the presiding officer and addressed, if necessary, after the meeting.
- B. Council members may speak during public comment portion of the agenda after the public has finished speaking
- C. City staff shall not be required to provide an immediate answer to a matter presented during a council meeting unless it specifically pertains to an item on the agenda

RULES FOR PUBLIC COMMENT DURING PUBLIC HEARINGS

Individuals may speak during the public comment portion of a scheduled public hearing for a maximum of three (3) minutes or may submit written comments to the city clerk by four o'clock (4:00) P.M. on the day of the public hearing. Groups of citizens with similar viewpoints are encouraged to select a representative to share the viewpoint of the group.

RULES FOR PUBLIC COMMENT DURING AGENDA ITEMS

At the discretion of the presiding officer, individuals may speak for a maximum of three (3) minutes when the council discusses agenda items. This section does not apply to businesses or parties directly involved in agenda items.

Roll Call.

Prayer or Moment of Silence.

Pledge of Allegiance, Rob Nichols At-Large Council Member.

Approval of Agenda as proposed or amended.

Approval of Minutes of June 17, 2024, Regular Council Session as proposed or

amended.

Resolution approving appointment of Robert Duncan to the position of Police Chief, along with an Employment Agreement for the same, and authorizing the Mayor and City Clerk to execute said document.

PUBLIC COMMENTS

Iowa Code Chapter 21 gives the public the right to attend council meetings but it does not require cities to allow public participation except during public hearings. The City of Waterloo encourages the public to participate during the Oral Presentations by following the rules listed on the front of the agenda.

CONSENT AGENDA

The consent agenda is reserved for routine resolutions and motions, acted upon by roll call vote on a single motion without discussion. Council shall either vote yea or nay when the roll is called. Council members may request that an item be removed from the consent agenda and considered separately. Such a request does not require a second. The public shall be prohibited from requesting that items listed on the consent agenda be removed and considered separately. The public may contact council members with questions regarding consent agenda items. 1-4A-16(A)(8).

1. Bills Payment, Finance Committee Invoice Summary Report, a copy of which is on file in the office of the City Clerk.
2. Resolution approving the request by Matthew O'Connor, for tax exemptions on the construction of a new single family home valued at \$296,354.00, for property located at 117 Coral Drive and located in the Consolidated Urban Revitalization Area (CURA).
3. Resolution approving the request by Babic Properties, for tax exemptions on the construction of a twin home valued at \$330,000.00, for property located at 3752-3754 Ravenwood Circle and located in the City Limits Urban Revitalization Area (CLURA).
4. Resolution approving the request of David Moon for a waiver for a concrete driveway, located at 1326 Longfellow Avenue, with the elimination of the sidewalk section due to inability to meet grade requirements.
5. Resolution setting the date of the public hearing as July 15, 2024, to approve a request by Lola Burt for the vacate, sale and conveyance of approximately 6,682 square feet of city-owned right-of-way located east of 522 Albany Street, and instruct the City Clerk to publish notice.
6. Resolution setting date of public hearing as July 15, 2024, on the proposed funding recommendation set forth by the Community Development Board for the FFY 24-28 Waterloo/Cedar Falls HOME Consortium Five Year Consolidated Plan/Annual Action Plan, and instruct the City Clerk to publish notice.
7. Resolution setting date of public hearing as July 15, 2024, in conjunction with the FY 2024 La Porte Road Improvements, Contract No. 1016, IDOT Agreement No. HDP-8155(787)--71-07, and instruct the City Clerk to publish notice.
8. Resolution setting date of public hearing as July 15, 2024, for the sale and conveyance of

city-owned property located east of 427 Rath Street, in the amount of \$10.00, to Ronald Lee Kisner, Jr., including a Development Agreement and Real Estate Contract, and instruct the City Clerk to publish notice.

9. Resolution approving cancellation of assessment for properties listed on Exhibit A, and authorizing the City Clerk to notify Black Hawk County Treasurer of said cancellation.
10. Resolution approving the Experience Waterloo Board recommendation for funding a hotel-motel mini-grant application for the 100th Iowa Women's Amateur Championship, in the amount of \$2,000.00.
11. Resolution approving Acknowledgment/Settlement Agreement-Affirmative Defense for Tobacco Violation - First Offense with Hometown Food, 1010 E. Mitchell Avenue, Waterloo, Iowa 50702, and acceptance of Affirmative Defense Certificate, with no civil penalty required, and authorizing the Mayor and City Clerk to execute said document.
12. Resolution authorizing an exception to the City of Waterloo Purchasing Policy for the purchase of two New Way Sidewinder Automated Side Loaders, in the amount of \$758,000.00, from Elliott Equipment, for the Sanitation Department.
13. Resolution authorizing an exception to the City of Waterloo Purchasing Policy for the purchase of a Chevy Colorado and a Chevy Equinox, in the amount of \$62,686.19, from Karl Chevrolet, for the Motor Pool and Building Inspections.
14. Motion approving a letter of support for Main Street Waterloo's application for the Great American Main Street Award.
15. Motion to approve the appointment of **Darrell Taylor** to the position of Curator/Assistant Director in the Culture & Arts Department, effective July 2, 2024.
16. Communication from the Fire Department on the notice of the conclusion of employment of Jeffrey Palmer, Fire Engineer, effective June 20, 2024, with recommendation of approval of payout of \$11,366.23 for unused benefits.
17. Communication from the Police Department on the notice of the conclusion of employment of Joseph Leibold, Police Chief, effective 6/21/2024 with recommendation of approval of payout of \$38,007.76 for unused benefits.
18. **Katy Susong**, Board/Commission: Airport Board, Expiration Date:6/30/2028 [First Full].
19. **Arlene Humble**, Board/Commission: Airport Board, Expiration Date:6/30/2027 [Amended].
20. Motion to receive and file Leisure Services Commission Board minutes of May 14, 2024.
21. Board of Adjustment meeting minutes of April 23, 2024.
22. Historic Preservation Commission minutes of April 16, 2024 and May 21, 2024.
23. Planning, Programming, and Zoning Commission minutes of April 9, 2024.
24. Liquor Licenses

- a. Plezi Bar and Entertainment, 504 Sycamore St., Class C Alcohol w/Catering and Sunday Sales (New) Exp: 6/30/2025.
- b. Applebee's Neighborhood Grill & Bar, 2780 Crossroads Blvd., Class C Alcohol w/Sunday Sales (Renewal) Exp: 6/23/2025.
- c. Kwik Star #723, 707 Broadway St., Class B Alcohol w/Sunday Sales (Renewal) Exp: 7/21/2025.
- d. Kwik Star #732, 324 Fletcher Ave., Class B Alcohol w/Sunday Sales (Renewal) Exp: 7/31/2025.

PUBLIC HEARINGS

1. Request by J&R Real Estate Holdings, LLC, to rezone approximately 2.69 acres from “R-2” One and Two Family Residence District to “C-P” Planned Commercial District to remodel the former St. Johns School and Church into nineteen residential units and commercial space for a daycare and community center located at 1721–1729 Mulberry Street.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close the hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion 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 J&R Real Estate Holdings, LLC, to rezone approximately 2.69 acres from “R-2” One and Two Family Residence District to “C-P” Planned Commercial District to remodel the former St. Johns School and Church into nineteen residential units and commercial space for a daycare and community center located at 1721–1729 Mulberry Street.

Motion to suspend the rules.

Motion to consider and pass for the second and third times and adopt the ordinance.

Submitted by: Noel Anderson, Community Planning and Development Director

2. Request by Walnut Baptist Church for a Site Plan Amendment to convert an office building into a religious facility at the former Grainger Industries building in the “B-P” Business Park District located at 827 Fisher Drive.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close public hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion 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 Walnut Baptist Church for a Site Plan Amendment to convert an office building into a religious facility at the former Grainger Industries building in the “B-P” Business Park District located at 827 Fisher Drive.

Motion to suspend the rules.

Motion to consider and pass for the second and third times and adopt said ordinance.

Submitted by: Noel Anderson, Community Planning and Development Director

3. Request by Ryan Companies for a Site Plan Amendment to construct a 223,148.23 square foot office/warehouse in the “M-2,P” Planned Industrial District located east of 3280 Newell Street.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close public hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion 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 Ryan Companies for a Site Plan Amendment to construct a 223,148.23 square foot office/warehouse in the “M-2,P” Planned Industrial District located east of 3280 Newell Street.

Motion to suspend the rules.

Motion to consider and pass for the second and third times and adopt said ordinance.

Submitted by: Noel Anderson, Community Planning and Development Director

4. Request by Fall Auto, LLC, to rezone approximately 1.81 acres from “C-2” Commercial District to “C-2,C-Z” Conditional Zoning District, to allow for an auto repair facility with incidental auto sales, located at 2424 Falls Avenue.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close the hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion 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 Fall Auto, LLC, to rezone approximately 1.81 acres from “C-2” Commercial District to “C-2,C-Z” Conditional Zoning District, to allow for an auto repair facility with incidental auto sales, located at 2424 Falls Avenue.

Motion to suspend the rules.

Motion to receive, consider, file, and pass for the second and third times and adopt said ordinance.

Submitted by: Noel Anderson, Community Planning and Development Director

5. Asbestos Abatement Services Contract No. AB-2024-06-01P, for property located at 123 E. Parker Street, former Saint Mary's Villa (rebid).

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close hearing and receive and file oral and written comments.

Resolution confirming approval of plans, specifications, form of contract, etc., and authorizing to proceed.

Motion to receive, file, and instruct the City Clerk to read bids.

Resolution approving award of bid to All Star Environmental, LLC of Dubuque, Iowa, in the amount of \$135,679.00, in conjunction with Asbestos Abatement Services, Contract No. AB-2024-06-01P, for property located at 123 E. Parker Street, the former Saint Mary's Villa (rebid), and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

RESOLUTIONS

1. Resolution approving an amendment to the Professional Services Agreement with Invision Architecture of Waterloo, Iowa, in conjunction with the Public Market Renovations Project, originally executed April 1, 2024, and authorizing the Mayor to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

2. Resolution approving a Development and Minimum Assessment Agreement with FDP OC, LLC, for the rehabilitation of 503 Commercial Street into a multi-story, mixed-use building of approximately seventy-eight apartment units on the upper levels and a retail storefront on the ground floor, including the Infill Housing Incentive of \$5,000.00 per residential unit, property tax rebates with a schedule of eighty-five percent for twenty years, payment of up to fifty percent for removal of exterior paneling shall not exceed \$50,000.00 and a Minimum Assessment Agreement of \$7,500,000.00, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Noel Anderson, Community Planning and Development Director

3. Resolution approving an Acquisition Contract to acquire 2,063 square feet of right-of-way, in the amount of \$13,000.00 and up to \$1,200.00 in closing costs, with Doris R. Foster, located at 500 Lakeside Street, in conjunction with the East 4th Street Reconstruction Project, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Noel Anderson, Community Planning and Development Director

4. Resolution to rename Penneys Street to Gina Boulevard, located between East San Marnan Drive and Crossroads Boulevard.

Submitted by: Noel Anderson, Community Planning and Development Director

5. Resolution approving a Professional Services Agreement with HR Green, in an amount not to exceed \$5,100.00, to complete a phase I Environmental Site Assessment for a city-owned lot on the Techworks Campus, and authorizing the Mayor to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

6. Resolution approving a Professional Services Agreement with AECOM, Waterloo, Iowa, in the amount of \$379,500.00, in conjunction with the South Waterloo Business Park final design, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Jamie Knutson, City Engineer

7. Resolution approving a Settlement Agreement with Kevin Kalsem, Trustee on behalf of the Roger T. Kalsem Trust, in the amount of \$12,119.00, in conjunction with the FY 2023 Hammond Avenue Bridge Replacement, Contract No. 922, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Jamie Knutson, City Engineer

8. Resolution approving Addendum to Agreement No.1038172 with UniFirst, of Chicago, Illinois, originally executed September 6, 2022, and set to expire on November 20, 2027, to add required PPE shirt item No. 03HKHT FR Cat 2 ATPV 8.3, ANSI Class 3 at \$3.25 each

per week per wearer, in conjunction with the UniFirst Uniform Agreement, Contract No. 2491, and authorizing the Mayor to execute said document.

Submitted by: Sheila Steffen, Public Works Coordinator

9. Resolution approving a Professional Services Agreement with AECOM Technical Services, Inc., of Waterloo, Iowa, in the amount of \$17,500.00, in conjunction with the FY 2024 IDOT Vertical Infrastructure Grant, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Steven Kjergaard, Director of Aviation

10. Resolution to approve the 28E agreements with Elk Run Heights and Cedar Township to provide Fire and EMS protection and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Bill Beck, Fire Chief

ORDINANCES

1. **An ordinance amending Title 8, Public Utilities, Chapter 3, Sewer Regulations, Article A, User Charges and Fees of Section 2, Determination of Rates and Charges, to Increase Sewer Rates.**

Motion to receive, file and consider and pass for the first time an ordinance amending Title 8, Public Utilities, Chapter 3, Sewer Regulations, Article A, User Charges and Fees of Section 2, Determination of Rates and Charges.

Motion to suspend the rules.

Motion to consider and pass for the second and third times and adopt the ordinance.

Submitted by: Bridgett Wood, Finance Director

OTHER COUNCIL BUSINESS

1. Hearing and Order assessing the civil penalty to King Star, 2035 E. Mitchell Avenue, Waterloo, Iowa 50702, for sale of tobacco to minor violation-first offense.

Motion to open the hearing.

Motion to close the hearing.

Motion to approve an order assessing the civil penalty to King Star, 2035 E. Mitchell Avenue, Waterloo 50702, for the sale of tobacco to minor violation-first offense.

Submitted by: Martin Petersen, City Attorney

ADJOURNMENT

Motion to adjourn.

Kelley Felchle
City Clerk