August 19, 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, August 19, 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, John Chiles, Ward 1 Council Member.

Approval of Agenda as proposed or amended.

Nichols/Simon
that the agenda be approved. Voice vote-Ayes: Seven. Motion carried.

Approval of Minutes of the August 5, 2024, Regular Council Session and the August 9, 2024, Special Council Session, as proposed or amended.

Nichols/Simon
that the minutes of August 5, 2024, Regular Session and August 9, 2024, Special Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

PUBLIC COMMENTS

The following individuals commented on various subjects.

Mary Potter, Grout Museum Trustee
Aaron Stacey Roberts, 411 Almond Street
Marcella Gruver, 203 Miriam Drive
Nick Hendrick, 207 Highland Boulevard

Mr. Chiles reminded Ward 1 his office hours will be August 31, 2024.

Mr. Simon encouraged citizens to research and educate themselves on the school plans for construction and vote and informed citizens that the council has no input in the school plans or construction decisions.

Ms. Creighton-Smith explained the school building plans are on the ballot and encouraged citizens to vote.

Ms. Wilder commended local businesses for coming together to provide children with school resources to serve over 400 kids with school supplies and haircuts for the new year.

Mr. Feuss commented on events that welcomes diversity to Waterloo along with an electronic music festival for the first time.

Nichols/Creighton-Smith
to close public comments. Voice vote-Ayes: Seven. Motion carried.

CONSENT AGENDA

Nichols/Wilder
that the following items on the consent agenda, including payment of bills for August 12, 2024, in the amount of $5,045,903.37, and August 19, 2024, in the amount of $3,931,807.39 be received and placed on file.

Roll Call vote-Ayes: Six. Nays: Creighton-Smith on No. item No. 20. 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. 2024-473.

Resolution approving the sale of a used pickup truck from the Fire Department via the Purplewave website.

Resolution adopted and upon approval by Mayor assigned No. 2024-474.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing (3) Ford F450 trucks, from Stivers Ford, Waukee, Iowa, in the amount of $168,516.75, for the Street Department.

Resolution adopted and upon approval by Mayor assigned No. 2024-475.

Resolution approving preliminary plans, specifications, form of contract, etc., setting the date of bid opening as September 5, 2024, and date of public hearing as September 16, 2024, in conjunction with the FY 2025 Sidewalk Repair Assessment Program - Zone 4, Contract No. 1111, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-476.

Resolution setting date of public hearing as September 3, 2024, for the sale and conveyance of city-owned property located east of 415 Newell Street, in the amount of $1.00, to Lucy Evans, including approval of a Development Agreement for the demolition of the home formerly at 437 Newell Street, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-477.

Resolution setting date of public hearing as September 3, 2024, for the sale and conveyance of city-owned property located southeast of 1907 Black Hawk Street, in the amount of $1.00, to 5 Bees, LLC, in accordance with the Master Development Agreement approved on July 13, 2020, for the construction of a new 5,000 square foot building with a minimum assessed value of $375,000.00 and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-478.

Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Vieth Construction Corporation, of Cedar Falls, Iowa, in the amount of $211,889.50, in conjunction with the FY 2023 Greenbelt Lake REAP Grant Project Phase II, Contract No. 1085, and receive and file a two-year maintenance bond.

Resolution adopted and upon approval by Mayor assigned No. 2024-479.

Motion to approve Change Order No. 1 with Vieth Construction Corporation, of Cedar Falls, Iowa, for a net increase of $21,450.00, in conjunction with the FY 2024 Crossroads Boulevard Median Improvement, Contract No. 1089, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve Change Order No. 15 with Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of $22,548.61, in conjunction with FY 2020 University Avenue Reconstruction Phase 3 Project, Contract No. 971, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve Change Order No. 11 with Vieth Construction Corporation, of Cedar Falls, Iowa, for a net increase of $51,478.50, in conjunction with the FY 2022 Sullivan Brothers Plaza Renovation, Contract No.1069, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve Final Quantity Summary with Vieth Construction Corporation, of Cedar Falls, Iowa, for a net decrease of $2,372.00, in conjunction with the FY 2023 Greenbelt Lake REAP Grant Project Phase II, Contract No. 1085, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve the appointment of **Michael Smock,** from the Civil Service list, to the position of Operator in the Waste Management Services Department, effective August 20, 2024, pending pre-employment physical and drug testing.

Motion to approve the appointment of **Arnell Ernst** from the current Civil Service List to the position of Clerk II in the Police Department, effective August 20, 2024.

Communication from the Library Department on the notice of the conclusion of employment of Austin Newland, Library Assistant, effective July 22, 2024, with recommendation of approval of payout of $1,819.01 for unused benefits.

Communication from the Street Department on the notice of the conclusion of employment of Eugene Smith, Equipment Operator I, effective July 22, 2024, with recommendation of approval of payout of $9,478.46 for unused benefits.

Communication from the Sanitation Department on the notice of the conclusion of employment of Dennis Moore, Solid Waste Technician, effective July 19, 2024, with recommendation of approval of payout of $3,467.79 for unused benefits.

Communication from the Street Department on the notice of the conclusion of employment of Shawn Fisher, Street Director, effective 7/26/2024 with recommendation of approval of payout of $7,065.79 for unused benefits.

Claudia Rivera, Board/Commission: Human Rights Commission, Expiration Date: August 19, 2025, [New Partial].

Liquor Licenses

a. Bamboo Ridge Campground, 4550 La Porte Rd., Class B Alcohol w/Sunday Sales (Renewal) Exp: 9/18/2025.
b. BJ's Bar and Billiards, 110 Ida St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 7/29/2025.
c. Casey's General Store #2879, 3260 University Ave., Class E Alcohol w/Sunday Sales (Renewal) Exp: 9/30/2025.
d. Liquor and Tobacco Outlet, 2844 University Ave., Class E Alcohol w/Sunday Sales (Renewal) Exp: 8/15/2025.
e. XO Food & Liquor, 428 Franklin St., Class E Alcohol w/Sunday Sales (Renewal) Exp: 8/9/2025.
f. RV Mixology, Hess Rd., Class C Alcohol w/Outdoor Service and Sunday Sales (New) Exp: 8/26/2024.
g. Chilitos Mexican Bar and Grill, 441 E. Tower Park Dr., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 8/7/2025.
h. Byron Mart, 306 Byron Ave., Class E Alcohol w/Sunday Sales (Renewal) Exp: 8/9/2025.
i. Waterloo Center for the Arts, 300 Jefferson St. Class C Alcohol (New 1-Day Transfer - 8/31) Exp: 9/1/2024.

Motion approving Cigarette/Tobacco/Nicotine/Vapor Permit Application for Vape Time, 325 Franklin Street.

Bonds.

PUBLIC HEARINGS

Sale and conveyance of city-owned property located at 1003 Vine Street, in the amount of $5,500.00, to JLS Partners Properties, LLC.

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, stated it appears the city is once again giving property away.

Nick Hendrick-207 Highland Boulevard, stated he is very excited this is being purchased and is being rehabbed as he lives on Highland Boulevard and this has been a blighted home for years.

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

Chiles/Wilder
Resolution authorizing the sale and conveyance of city-owned property located at 1003 Vine Street, in the amount of $5,500.00, to JLS Partners Properties, LLC, and authorizing the Mayor and City Clerk to execute said documents.

Mr. Chiles questioned the current assessed value of the property.

Aric Schroeder, City Planner, explained only one proposal was received and the only option for this property is demolition.
Mr. Chiles commented he asked, as he assumes plans for the property will raise the assessed value with improvements and continue to raise valuations in the city.

Mr. Boesen agrees with the sale of the property but would like to stress owner-occupation with these types of agreements.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-480.

Chiles/Wilder
Resolution approving a Development Agreement and Real Estate Contract with Marcelino Balion Perez for the rehabilitation of 1003 Vine Street, including a refund of $5,000.00 of the purchase price and a $5,000.00 infill housing grant upon completion of the project, 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. 2024-481.

RESOLUTIONS

Resolution approving a Development Agreement with Iowa Heartland Habitat for Humanity for the construction of residential units at 512 Almond Street, including a $5,000.00 infill incentive for each unit, $37,000.00 in acquisition fees, and demolition of the existing structure, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Chiles
David Dryer-3145 W. 4th Street, questioned who was receiving the $37,000.00 and does a development agreement establish when taxes will start once construction is completed.

Noel Anderson, Community Planning Development Director, explained this is a 657A project in the historic district, along with a vacant lot. The city is working with Habitat for Humanity to be able to construct a three-plex or residential unit on the vacant lot. The current owner will sell the property to Habitat and the City will reimburse Habitat for $37,000.00. Habitat has four years to complete construction. The property owner is working with Habitat for Humanity to sell the lot to them. Taxes on the structure will start in five years, per the agreement.

Mr. Simons questioned the interest earned on the $37,000.00 during the construction period and if this is typical when the ownership is transferred and paid.

Noel Anderson responded that this is the typical procedure for the city.

Mr. Boesen commented this is commercial blight and is happy to see new construction in the area.
Mr. Chiles agreed with Mr. Boesen and is looking forward to this being developed.

Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-482.

Resolution approving a Temporary Construction Easement Agreement with Robert J. Greenwood and Cheryl L. Greenwood, located at 1875 Westchester Road, in conjunction with the Sunnyside Creek Drainage Improvements Project, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Chiles
Roll Call Vote-Ayes: Six. Rob Nichols recused himself for financial reasons. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-483.

Resolution approving a Temporary Construction Easement Agreement in the amount of $369.04 with The Sunnyside Country Club, Inc., located at 1600 Olympic Drive, in conjunction with the Sunnyside Creek Drainage Improvements Project, and authorizing the Mayor and City Clerk to execute said document.

Chiles/Creighton-Smith
Mr. Chiles questioned if this will solve the drainage issues right south of Sunnyside.

Jaime Knutson, City Engineer, explained this and the retention basin between Hwy. 20 and San Marnan will help to improve the flow in the channel to help with drainage.

Mr. Boesen questioned if the city owns the land where the retention basin is being built.

Jaime Kutson explained the city is working to acquire those fourteen acres for the retention basin.

Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-484.

Resolution approving a Temporary Construction Easement Agreement in the amount of $618.00 with Hole 7 Development, LLC., located east of 1920-1930 Kamille Court, in conjunction with the Sunnyside Creek Drainage Improvements Project, and authorizing the Mayor and City Clerk to execute said document.

Chiles/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-485.

Resolution approving the 28E Agreements between Waterloo Fire Rescue and the Northeast Iowa Response Group, consisting of Allamakee, Black Hawk, Bremer, Butler, Chickasaw, Grundy, Hardin, Howard, Poweshiek, Tama, and Winneshiek Counties, to provide support personnel and equipment in event of a hazardous substance emergency, and authorizing the Mayor and City Clerk to execute said documents.

Chiles/Creighton-Smith
Mr. Boesen questioned how Black Hawk County pays into the agreement and if the per capita was raised this year.

Bill Beck, Fire Chief, responded he would provide Mr. Boesen with that information.

Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-486.

Resolution approving a Professional Services Agreement with AECOM Technical Services, of Waterloo, Iowa, in the amount of $1,732,900.00 for inspections, in conjunction with the FY 2024 La Porte Road Improvements, IDOT Agreement No. HDP-8155(787)--71-07, Contract No. 1016, 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. 2024-487.

Resolution approving a Right-of-Way License Agreement with La Porte City Telephone Company, of La Porte City, Iowa, for the placement of utilities within City right-of-way, and authorizing the Mayor and City Clerk to execute said document.

Creighton-Smith/Nichols
David Dryer-3145 W. 4th Street, questioned if La Porte City will pay any fee for the right-of-way authorization.

Jamie Knutson, City Engineer, explained La Porte City telephone will be paying a permit and right-of-way fees based on how much cable they are putting in the ground, same as any other fiber optic utility.

Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-488.

Resolution approving a Professional Services Agreement with ISG Inc., of Waterloo, Iowa, in the amount of $5,400.00, in conjunction with the No Passing Zone Analysis, and authorizing the Mayor and City Clerk to execute said document.

Creighton-Smith/Nichols
David Dryer-3145 W. 4th Street, questioned if the Department of Transportation picked up any of the expense.

Jamie Knutson, City Engineer, explained a federal grant will be used to pay for that portion of the work.

Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-489.

Resolution approving a Street Lighting Agreement with MidAmerican Energy, in the amount of $4,214.66, for installation of one streetlight to be located at the entrance of Paradise Estates, 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. 2024-490.

Resolution approving a Professional Service Agreement with Automatic Systems Co., of Ames, Iowa, in the amount of $95,492.00, in conjunction with the WWTP Building 15 PLC Upgrades, and authorizing the Mayor to execute said document.

Nichols/Chiles
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-491.

Resolution approving Supplemental Agreement No. 6 to a Professional Services Agreement with AECOM of Waterloo, Iowa, in the amount of $125,000.00, originally executed on April 8, 2015, in conjunction with planning and engineering services to assist the Waste Management Services Department, and authorizing the Mayor to execute said document.

Nichols/Chiles
David Dryer-1145 W. 4th Street, questioned the original amount in the agreement and if this is an increase?

Randy Bennett, Public Works Division Manager, explained he doesn't know the amount of the original contract, that this is an ongoing agreement for professional consulting services.

Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-492.

Resolution approving a Professional Services Agreement with ISG, Inc. of Waterloo, Iowa, in the amount of 8.5 percent of the total cost of furniture purchased for the Waterloo Convention Center, in conjunction with the Furniture Plan and Bid for the Waterloo Convention Center, and authorizing the Mayor to execute said document.

Nichols/Chiles
David Dryer- 1145 W. 4th Street, questioned if there is no one in the city capable of selecting furniture and why this wasn't included in the original agreement.

Noel Anderson, Community Development and Planning Director explained this is a matter of not only purchasing furniture for the entire convention center but designing, coordinating, planning, and overseeing the installation of furniture and accessories, including carpeting, desktops, and electrical connections.

Mr. Boesen questioned if the city purchased an assortment of furniture as part of the remodeling project.

Noel Anderson, Community Development and Planning Director, explained the city has not had any large purchase of furniture, but that the operator has made furniture purchases.

Mr. Boesen stated the city has been reimbursing the operator for a lot of their expenses, so technically, we have been purchasing furniture.

Noel Anderson agreed that the city has been reimbursing the operator for purchases under the agreement.

Mr. Boesen questioned if we are setting a cap of 8.5% for a not-to-exceed $200,000.00, or if it would need to come back before the council.

Mr. Anderson agreed this was a not-to-exceed amount.

Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-493.

<u>OTHER COUNCIL BUSINESS</u>

<u>FY 2025 SIDEWALK REPAIR ASSESSMENT PROGRAM - ZONE 4</u>
<u>Resolution approving proposed construction of sidewalk improvements.</u>
<u>Resolution to fix value of lots.</u>
<u>Resolution to adopt proposed plat and schedule of assessments and estimate of costs.</u>
<u>Resolution of necessity and setting date of public hearing as September 16, 2024.</u>

Boesen/Nichols
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-494.

Boesen/Nichols
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-495.

Boesen/Nichols
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-496.

Boesen/Nichols
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-497.

ADJOURNMENT

Nichols/Boesen
that the Council adjourn at 6:14 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk