



**THE CITY COUNCIL OF WATERLOO, IOWA
REGULAR SESSION TO BE HELD AT
Harold E. Getty Council Chambers
Monday, March 6, 2023
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 Crossroads Mall area into a sports/recreation themed gravitational center.
6. Power Up Downtown: Keep Waterloos core downtown evolving to meet the needs of future generals, 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: Nia Wilder, Ward 3 Council Member

Agenda as proposed or amended.

Minutes of February 20, 2023, Regular Session, as proposed.

1. Proclamation declaring March 7, 2023, as Pastor Thad F. Thomas Day.

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 preliminary plans, specifications, form of contract, etc., setting date of bid opening as March 30, 2023, and date of Public Hearing as April 3, 2023, in conjunction with the Waterloo Regional Airport Pavement Rehabilitation (Runway 12/30, Taxiway Alpha East, and Taxiway Echo) - Federal Aviation Administration - Airport Improvement Program, via Grant No. 3-19-0094-0056, and direct the City Clerk to publish notice.
3. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as March 30, 2023, and date of Public Hearing as April 3, 2023, in conjunction with the Waterloo Regional Airport Pavement Reconstruction of Taxiway Alpha West - Federal Aviation Administration - Airport Improvement Program, via Grant No. 3-19-0094-0056, and direct the City Clerk to publish notice.
4. Resolution approving preliminary plans, specifications, form of contract etc., setting date of bid opening as March 30, 2023, and date of public hearing as April 17, 2023, in conjunction with the FY 2024 Complaint Mowing with Complaint Snow Removal Contract, and direct the City Clerk to publish notice.
5. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as March 30, 2023, and date of public hearing as April 3, 2023, in

conjunction with the FY 2023 Broadway Street and E. San Marnan Drive Reconstruction Project, Contract No. 1072, and direct the City Clerk to publish notice.

6. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as April 27, 2023, and date of public hearing as May 1, 2023, in conjunction with the FY2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1080, and direct the City Clerk to publish notice.
7. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as March 30, 2023, and date of public hearing as April 3, 2023, in conjunction with the FY 2023 Asphalt Overlay Program, Contract No. 1073, and direct the City Clerk to publish notice.
8. Resolution approving submission of the Iowa Grade Crossing Surface Repair Fund application, along with the Chicago Central & Pacific Railroad, to the Iowa Department of Transportation, in conjunction with the Rainbow Drive Railroad Crossing Surface Repair Project, with the City being responsible for the cost of traffic control and twenty-percent of the construction cost, and authorizing the Mayor to execute said document.
9. Resolution setting date of public hearing as March 20, 2023, to approve the request by South Hills Senior Living, LLC, for a Site Plan Amendment to allow for the construction of a 9,307 square foot (23 stall) parking garage in the "R-4,R-P" Planned Residence District located at 1117 Maxhelen Boulevard, and direct the City Clerk to publish notice.
10. Resolution approving the request by Michael Vandello, for tax exemptions on the construction of an interior remodel of office spaces valued at \$460,000.00, for property located at 214 E. 4th Street and located in the Consolidated Urban Revitalization Area (CURA).
11. Resolution approving a Variance to the Noise Ordinance for Maria Rubio Moreno for a graduation event, to be held at Hope Martin Park from 9:00 a.m. to 9:00 p.m., on June 3, 2023.
12. Leisure Services Commission Board minutes of January 10, 2023.
13. Airport Board minutes of January 25, 2023.
14. **Jared Hottle**
Board/Commission: Historic Preservation Commission
Expiration Date: March 6, 2026
New Appointment
15. **Kory Carty**
Board/Commission: Highway 218 Design Review Board
Expiration Date: March 6, 2026
Renewal Appointment
16. **Gina Jordan Burg**
Board/Commission: Highway 218 Design Review Board
Expiration Date: March 6, 2026

Renewal Appointment

17. Liquor Licenses

- a. Dollar General #10073, 3815 University Avenue, Class B Alcohol w/Sunday Sales, New - Expiration 2/29/24.
- b. Dollar General #4698, 2935 Logan Avenue, Class B Alcohol w/Sunday Sales, New - Expiration 2/29/24.
- c. El Senor Tequila Nightclu, 118 E. 11th Street, Class C Alcohol w/Sunday Sales, Renewal - Expiration 2/18/24.
- d. Gates Park Golf Course, 820 E. Donald Street, Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Expiration 2/29/24.
- e. HyVee Market Cafe' #3, 1422 Flammang Drive, Class C Alcohol w/Catering and Sunday Sales, Renewal - Expiration 3/15/24.
- f. Irv Warren Golf Course, 1000 Fletcher Avenue, Class C Alcohol w/Outdoor Service and Sunday Sales, Renwal - Expiration 2/29/24.
- g. King Star, 2035 E. Mitchell Avenue, Class B Alcohol w/Sunday Service, New - Expiration 1/19/24.
- h. La Mesilla Bar and Grill, 1927 Jefferson Street, Class C Alcohol w/Sunday Sales, New - Expiration 12/29/23.
- i. Prime Mart, 3535 Marigold Drive, Class E Alcohol w/Sunday Sales, Renewal - Expiration 1/19/24.
- j. Sams Club, 210 E. Tower Drive, Class E Alcohol w/Sunday Sales, Renewal - Expiration 2/29/24.
- k. South Hills Golf Course, 1830 E. Shaulis Road, Class C Alcohol w/Outdoor Services and Sunday Sales, Renewal - Expiration 2/29/24.
- l. Sycamore Convenience, 617-619 Sycamore Street, Class E Alcohol w/Sunday Sales, Renewal - Expiration 3/11/24.
- m. UNI Mart, 1615 Bishop Avenue, Class E Alcohol w/Sunday Sales, Renewal - Expiration 2/29/24.
- n. Daq King, 632 Sycamore, Class C w/Sunday Sales, Renewal - Expiration 11/9/23.
- o. Waterloo Bucks, 850 Park Road, Class C Alcohol/Outdoor Service, 8 months, New - Expiration 11/1/23.
- p. HyVee Food and Drugstore #3, 1422 Flammang Drive, Class E Liquor w/Sunday Sales, Renewal, - Expiration 2/8/24.
- q. Cadillac Lanes XBC, 650 La Porte Road, Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Expiration 3/27/24.

18. Motion to approve recommendation of appointment of Bradley Baldwin to the position of Combination Inspector II in the Building Inspections Department effective March 21, 2023.

19. Cigarette/Tobacco Permit New Application for The Loft, LLC, 710 Jefferson Street.

20. Exception to Burning Yard Waste Application by Kirk Gross Company to burn approximately 7.5 acres of native prairie grass located at 4646 West 4th Street in the Spring of 2023.

21. Motion approving an Exception to Burning Yard Waste application for Hawkeye

Community College to burn 14.3 acres on Hawkeye Community College campus, March 22 to May 13, 2023 between the hours of 9:00 a.m. and 5:30 p.m.

PUBLIC HEARINGS

1. General Obligation Bonds - ECP-1 - The issuance of not to exceed \$4,700,000.00 General Obligation Bonds for essential corporate purposes.

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 instituting proceedings to take additional action.

Submitted by: Bridgett Wood, Finance Manager

2. General Obligation Bonds - GCP-2 - The issuance of not to exceed \$700,000.00 in General Obligation Bonds for general corporate purposes.

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 instituting proceedings to take additional action.

Submitted by: Bridgett Wood, Finance Manager

3. General Obligation Bonds - GCP-3 - The issuance of not to exceed \$700,000.00 General Obligation Bonds for general corporate purposes.

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 instituting proceedings to take additional action.

Submitted by: Bridgett Wood, Finance Manager

4. General Obligation Bonds -GCP-4 -The issuance of not to exceed \$700,000.00 General Obligation Bonds for general corporate purposes.

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 instituting proceedings to take additional action.

Submitted by: Bridgett Wood, Finance Manager

5. Proposed Allocation plan for HOME- American Rescue Plan.

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 approving the proposed allocation plan submitted by the Waterloo/Cedar Falls Consortium for HOME American Rescue Plan Program funds in the amount of \$1,780,793.00, to assist individuals or households who are experiencing homelessness, at risk of homelessness, and other vulnerable populations.

Submitted by: Rudy Jones, Director

6. FY 2023 Airport HVAC Project for Airline Passenger Terminal Building - Federal Aviation Administration Airport Improvement Program Project No. 3-19-0094-0054.

Hearing Cancelled - No bids received.

Submitted by: Keith Kaspari, Director

7. FY 2023 Airport CCTV Project for the Airline Passenger Terminal Building - Federal Aviation Administration Airport Improvement Program, Project No. 3-19-0094-0054.

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, and authorizing to proceed.

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

Resolution approving award of bid to K & W Electric, Inc. of Cedar Falls, Iowa, in the amount of \$164,500.00, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2023 Airport CCTV Project for the Airline Passenger Terminal Building - Federal Aviation Administration Airport Improvement Program, Project No. 3-19-0094-0054, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Keith Kaspari, Director

8. Sale and conveyance of City property located at 514 Johnson Street, in the amount of \$210,000.00, to Dieu Israel Kabangu.

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 accepting a deed from Hawkeye Community College for a home located at 514 Johnson Street, in the amount of \$164,500.00, per the Project Addendum Agreement previously approved on April 5, 2021, and authorizing the Mayor and City Clerk to execute said document.

Resolution authorizing the sale and conveyance of city-owned property located at 514 Johnson Street, in the amount of \$210,000.00, to Dieu Israel Kabangu, with up to \$11,000.00 in closing costs to be paid by the City of Waterloo, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Noel Anderson, Director

RESOLUTIONS

1. Resolution approving the Convention and Visitors Bureau Board recommendations for funding two hotel-motel mini-grant applications for the Iowa Senior Softball Open, and the Blue Suede Memories XL Trade Show, in the amount of \$5,400.00.

Submitted by: Kelley Felchle, City Clerk

2. Resolution approving a variance to the requirements of the Subdivision Ordinance in Section 11-3-4 Signing and Recording of Plats, relating to the recording of Southland

Park Sixth Addition Final Plat exceeding the nine (9) months requirement from the date of City Council approval, located southeast of 2950 Southland Drive.

Submitted by: Noel Anderson, Director

3. Resolution approving a request by Clapsaddle-Garber Associates, Inc., on behalf of Chris Fischels, for the Preliminary Plat of San Marnan Business Park in the "R-4, R-P" Planned Multiple Residence District and "B-P" Business Park District located west of 4041 Hurst Drive.

Submitted by: Noel Anderson, Director

4. Resolution approving a variance to the requirements of the Subdivision Ordinance in Section 11-3-3(D) Application Procedure and Requirements as it relates to the approval of the final plat of San Marnan Business Park First Addition.

Submitted by: Noel Anderson, Director

5. Resolution approving a request by Clapsaddle-Garber Associates, Inc., on behalf of Chris Fischels, for the Final Plat of San Marnan Business Park First Addition in the "R-4, R-P" Planned Multiple Residence District and "B-P" Business Park District located west of 4041 Hurst Drive.

Submitted by: Noel Anderson, Director

6. 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 a replat of a portion of Lot 47 of Behm Addition, a three-lot residential subdivision in the "R-2" One and Two Family Residence District located at 1001, 1021, and 1129 Archer Avenue.

Submitted by: Noel Anderson, Director

7. Resolution approving a request by Mike Cook for the Minor Plat of a replat of a portion of Lot 47 of Behm Addition, a three-lot residential subdivision in the "R-2" One and Two Family Residence District located at 1001, 1021, and 1129 Archer Avenue.

Submitted by: Noel Anderson, Director

8. Resolution approving a variance to the requirements of the Subdivision Ordinance in Section 11-3-2 (D) Effective Period of Preliminary Approval, relating to the approval of the Final Plat of North Crossing Third Addition to exceed the twelve (12) month requirement after the approval of the preliminary plat, located north of 501 Lakeside Street.

Submitted by: Noel Anderson, Director

9. Resolution approving the assignment of rebates to Windigo Property Trust, LLC, in conjunction with a Development Agreement with Cedar Valley Warehouse, LLC, originally approved on September 4, 2012, for property located at 2830 Geraldine Road.

Submitted by: Noel Anderson, Director

10. Resolution approving a Development Agreement and Minimum Assessment Agreement

with Fireworks Leasing, LLC for the construction of a 60-foot by 120-foot (7,200 SF) retail building, with a tax rebate amount of 75 percent for years one through two, and 50 percent for years three through eight, with a minimum assessment of \$850,00.00, located at the southeast corner of Kimball Avenue and East Tower Park Drive, and authorize the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Director

11. Resolution approving a Professional Services Agreement with HR Green, in an amount not to exceed \$27,650.00, to complete soil testing at Gates Park, and authorize the Mayor to execute said document.

Submitted by: Noel Anderson, Director

ORDINANCES

1. An ordinance enacting a new youth mental health protection.

Motion to receive, file, consider, and pass for the second time an ordinance amending the City of Waterloo Code of Ordinances by enacting a new Chapter 12, Youth Mental Health Protection, of Title 3, Business and License Regulation.

Motion to suspend the rules.

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

Submitted by: Jonathan Grieder, Ward 2 Council member

2. Amendment to the noise variance ordinance.

Motion to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Code of Ordinances by repealing Section 5, Exceptions and Variances, of Chapter 5, Noise Control, Title 4, Public Health and Safety, and enacting in lieu thereof a new Section 5, Exceptions and Variances, of Chapter 5, Noise Control, Title 4, Public Health and Safety.

Motion to suspend the rules.

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

Submitted by: Kelley Felchle, City Clerk

OTHER COUNCIL BUSINESS

1. Hearing on Order Assessing Civil Penalty to West Side Liquor, 919 W. 5th Street, Waterloo, Iowa 50702, and assessing civil penalty in the amount of \$300.00.

Submitted by: Martin Petersen, City Attorney

EXECUTIVE SESSION

1. Executive Session on the purchase of Real Estate pursuant to Iowa Code Section 21.5(1)(j).

ADJOURNMENT

Motion to adjourn.

Kelley Felchle
City Clerk