**THE CITY COUNCIL OF WATERLOO, IOWA**
**REGULAR SESSION TO BE HELD AT**
**Harold E. Getty Council Chambers**
**Tuesday, September 3, 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, Kelley Felchle, City Clerk.

**Approval of Agenda, as proposed or amended.**

**Approval of Minutes of the August 19, 2024, Regular Council Session, as proposed or**

**amended.**

## 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 Babic Properties, for tax exemptions on the construction of a new 4-plex valued at $550,000.00, for property located at 3665-3671 Ravenwood Circle and located in the City Limits Urban Revitalization Area (CLURA).

3. Resolution approving the request by Nagle Sign Company, for tax exemptions on the construction of a new building valued at $1,143,936.00, for property located at 1029 Thorndale Avenue and located in the Consolidated Urban Revitalization Area (CURA).

4. Resolution approving the request by SEMS Storage LLC, for tax exemptions on the construction of a new 8-bay storage unit building valued at $450,000.00, for property located at 175 W. 16th Street and located in the Consolidated Urban Revitalization Area (CURA).

5. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as September 26, 2024, and date of public hearing as October 7, 2024, in conjunction with Asbestos Abatement Services Project, Contract No. AB-2024-09-07P, and instruct the City Clerk to publish notice.

6. Resolution setting the date of public hearing as September 16, 2024, for a request by the City of Waterloo to vacate 8,708 square feet of East San Marnan Drive right-of-way, located northwest of 2765 Crossroads Boulevard, and instruct the City Clerk to publish notice.

7. Resolution setting the date of public hearing as September 16, 2024, for an Amendment to the Development and Minimum Assessment Agreement with Grant Park, LLC, executed on October 16, 2024, to convey additional city-owned property, located northwest of 2765 and 2765 Crossroads Boulevard, and instruct the City Clerk to publish notice.

8. Resolution setting the date of bid opening as September 26, 2024, and resetting the date of public hearing as October 7, 2024, in conjunction with the FY 2025 Martin Luther King, Jr. Drive Wetland A Restoration Project, Contract No. 1109, and instruct the City Clerk to

publish notice.

9. Resolution setting date of public hearing as September 16, 2024, for the sale and conveyance of City property located near 919 Newell Street and 918 Newell Street in the amount of $5,000.00, each and to approve a phased Development Agreement with Dellatan Asset Acquisition, LLC, including a $5,000 development grant for each residential unit created for a total of up to $60,000 in Infill Housing Grants, for the construction of up to twelve new single-family homes or duplex units, and direct the City Clerk to publish notice.

10. Resolution approving documents, and adopt and levy the Final Schedule of Assessments, in conjunction with the FY 2024 Sidewalk Repair Assessment Program - Zone 3, Contract No. 1082, and instruct the City Clerk to publish notice.

11. Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing two, 2024 Chevy Malibu vehicles, from Karl Chevrolet, Inc., Ankeny, Iowa, in the amount of $49,360.00, for the Police Administration Department

12. Resolution approving award of hotel/motel tax council discretionary funds to the Waterloo Police Department in the amount of $36,000.00, for Uniformed Police Presence at Community Events.

13. Resolution fixing date for a meeting on the proposal to reallocate certain unspent proceeds of the General Obligation Bonds, Series 2022B, and providing for publication of notice thereof.

14. Resolution fixing date for a meeting on the proposal to reallocate certain unspent proceeds of the General Obligation Bonds, Series 2023A, and providing for publication of notice thereof.

15. Resolution approving the cancellation of sidewalk assessments for properties listed on Exhibit A, and authorizing the City Clerk to notify Black Hawk County Treasurer of said cancellation.

16. Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Pajic Tuckpointing Inc., of Waterloo, Iowa, in the amount of $45,100.00, in conjunction with the Arts Center Tuckpointing Project.

17. Motion to approve Change Order No. 7 with Peters Construction Corporation, of Waterloo, Iowa, for a net increase of $0.00, in conjunction with the Waterloo Convention Center Restroom Renovation Project, and authorizing the Mayor and City Clerk to execute said document.

18. Motion to approve the appointment of **Mark Reith** from the current Civil Service List to the position of Building Maintenance Licensed HVAC in the Building Maintenance Department, effective September 16, 2024.

19. Motion to approve the appointment of **Marci Kemp** from the current Civil Service List to the position of Secretary in the Building Inspection Department, effective September 16, 2024.

20. Motion to approve the appointment of **Ryan Doland** from the current Civil Service List to

the position of Animal Control Supervisor in the Police Department, effective September 9, 2024, pending pre-employment physical and drug testing.

21. Motion to approve appointment of **Erin Donati** from the current Civil Service List to the position of Graphic Designer/Digital Arts Manager in the Culture and Arts Department, effective September 16, 2024, pending pre-employment physical and drug testing.

22. Communication from the Leisure Services Department on the notice of the conclusion of employment of Larry Vogel, Construction Foreman, effective July 31, 2024, with recommendation of approval of payout of $3,506.94 for unused benefits.

23. Motion approving an Application for Fireworks Display: Light Up The Night Event, November 30, 2024, top of Republic parking ramp, 124 E. 5th Street, on November 30, 2024, beginning at approximately 6:15 p.m.

24. Leisure Services Commission Board minutes of July 9, 2024.

25. Board of Adjustment Regular Meeting minutes of May 28, 2024.

26. Historic Preservation Commission minutes of June 18, 2024.

27. <u>Liquor Licenses</u>

    a. Tobacco Outlet Plus #500, 1803 La Porte Rd., Class B Alcohol w/Sunday Sales (Renewal) Exp: 10/14/25.
    b. Main Street Waterloo, 4th St. Bridge, Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal 5-Day) Exp: 9/28/24.
    c. Kwik Star #229, 1717 E. San Marnan Dr., Class B Alcohol w/Sunday Sales (Renewal) Exp: 9/24/25.
    d. Fester's Pub, 324 E. 4th St., Class C Alcohol w/Outdoor Service, Catering and Sunday Sales (Renewal) Exp: 7/21/25.
    e. Mama Nick's Circle Pizzeria, 1934 Washington St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 9/9/25.
    f. Narey's 19th Hole, 2073 Logan Ave., Class C Alcohol w/Sunday Sales (Renewal) Exp: 8/22/25.
    g. Landmark Commons, 1400 Maxhelen Blvd., Class F Alcohol w/Outdoor Service/Living Quarters and Sunday Sales (Renewal) Exp: 8/31/25.
    h. Queen of Peace Church, 320 Mulberry St., Class C Alcohol w/Outdoor Service and Sunday Sales (New 5-Day) Exp: 9/12/24.
    i. Anton's Garden, 518 Sycamore St., Special Class C Alcohol w/Outdoor Service and Sunday Sales (New 5-Day Extended Outdoor Service) Exp: 9/30/24.
    j. Karma Bar, 309 W. 4th St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 10/14/25.

## <u>PUBLIC HEARINGS</u>

1. **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.**

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 authorizing 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.

Submitted by: Noel Anderson, Community Planning and Development Director

2. **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.**

   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 authorizing the sale and conveyance of city-owned property located east of 415 Newell Street, in the amount of $1.00 to Lucy Evans, and authorizing the Mayor and City Clerk to execute said documents.
   Resolution approving a Development Agreement with Lucy Evans for the demolition of the property and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Noel Anderson, Community Planning and Development Director

3. **FY 2025 State Street Sanitary Sewer Replacement and Storm Sewer Disconnects, Contract No. 1110.**

   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 Baker Enterprises, Inc., of Waverly, Iowa, in the amount of $424,835.90, approving the contract, bond, and certificate of insurance, in conjunction with the FY 2025 State Street Sanitary Sewer Replacement and Storm Sewer Disconnects, Contract No. 1110, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Jamie Knutson, City Engineer

4. **FY 2025 Martin Luther King, Jr. Drive Wetland A Restoration, Contract No. 1109.**

   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.
   No bids were received.

   Submitted by: Jamie Knutson, City Engineer

## RESOLUTIONS

1. Resolution declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified Projects.

   Submitted by: Bridgett Wood, Finance Director

2. Resolution approving an agreement with MidAmerican Energy Company, of Des Moines, Iowa, in the estimated amount of $498,708.02, in conjunction with the FY 2024 La Porte Road Improvements, Phase I, Contract No. 1016, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Jamie Knutson, City Engineer

3. Resolution approving Supplemental Agreement No. 10 to a Professional Services Agreement with Wayne Claassen Engineering and Surveying, Inc., of Waterloo, Iowa, originally executed October 10, 2016, in an amount not to exceed $175,000.00, in conjunction with the FY 2023 Hammond Avenue Bridge Replacement Over Sink Creek Project, Contract No. 922, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Wayne Castle, PLS, PE, Assistant City Engineer

4. Resolution approving Supplemental Agreement No. 6, to a Professional Services Agreement originally executed November 7, 2016, with AECOM Technical Services, Inc., of Waterloo, Iowa, in an amount not to exceed $54,800.00, in conjunction with the FY 2020 University Avenue Reconstruction-Phase 3 Project, (Midway Avenue to US 63), Contract No. 971, and authorizing the Mayor to execute said document.

   Submitted by: Jamie Knutson, City Engineer

5. Resolution approving the Development and Minimum Assessment Agreement with Ryan Companies US, LLC, for the construction of a 225,113 square foot warehouse located at 3280 Newell Street, with a minimum assessed value of $14,625,000.00, and rebates at fifty percent for ten years, land development grant of $1,515,000.00 for earthwork, and a grant of $3,255,000.00 for the purchase of land, and authorizing Mayor and City Clerk to execute said documents.

   Submitted by: Noel Anderson, Community Planning and Development Director

6. Resolution approving an Encroachment Agreement with Gary Wiggins to allow for a retaining wall in the city right-of-way located in the "R-2" One and Two Family Residence District located at 1002 Mobile Street, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Noel Anderson, Community Planning and Development Director

7. Resolution approving an Encroachment Agreement with Goodwill Industries, Inc., to allow for a stairway and a sitting area in the right-of-way of Maxwell Street, replacing a previous encroachment in the “C-2” Commercial District located at 2800 Falls Avenue, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Noel Anderson, Community Planning and Development Director

8. Resolution approving a request by Robson Homes Inc., for the Preliminary Plat of Prairie Meadow Estates First Addition, a 5-lot residential subdivision in the “R-3” Multiple Residence District located east of Omaha Avenue.

   Submitted by: Noel Anderson, Community Planning and Development Director

9. 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 W.C.F. & N. Industrial Park, a 3-lot industrial subdivision in the "M-2" Heavy Industrial District located at 2975 Airline Circle.

   Submitted by: Noel Anderson, Community Planning and Development Director

10. Resolution approving a request by the City of Waterloo for the Minor Plat of WCF&N Industrial Park, a 3-lot industrial plat in the “M-2” Heavy Industrial District located at 2975 Airline Circle.

    Submitted by: Noel Anderson, Community Planning and Development Director

11. Resolution approving a Real Estate Purchase Agreement with Anthony Bradfield and Municipal Telecommunication Utility of the City of Waterloo and approving a deed to sell real property to the City of Waterloo, in the amount of $30,000.00, for property located north of 1650 Idaho Street, and authorizing the Mayor and City Clerk to execute said documents.

    Submitted by: Noel Anderson, Community Planning and Development Director

12. Resolution approving a Professional Services Agreement with Ahlers and Cooney, P.C. for preparation of a Commercial Project Development Agreement, and authorizing the Mayor to execute said document.

    Submitted by: Noel Anderson, Community Planning and Development Director

13. Resolution approving a Professional Services Agreement with Impact7G, of Coralville, Iowa, in an amount not to exceed $126,000.00, to perform professional consulting services as a qualified environmental professional to assist with the management and implementation of a CERCLA Section 104(K) Cleanup Grant from the Environmental Protection Agency pertaining to environmental cleanup of former Rath buildings at 1442 Sycamore Street, and authorizing the Mayor to execute said document.

    Submitted by: Noel Anderson, Community Planning and Development Director

14. Resolution approving a Professional Services Agreement with Impact7G, in an amount not to exceed $3,200.00, to complete a phase I Environmental Site Assessment for a city-owned lot along Leversee Road within the Waterloo Air and Rail Park, and authorizing the Mayor to execute said document.

    Submitted by: Noel Anderson, Community Planning and Development Director

15. Resolution approving a purchase proposal with Racom for a G2 Fire Station Alerting System, and authorizing the Fire Chief to execute said document.

    Submitted by: Bill Beck, Fire Chief

16. Resolution approving the Refundable Advance for Construction of Underground Electric

Service Extension in the amount of $27,478.18 for use with MidAmerican Energy, for electric distribution to serve reconstructed pool at 801 Campbell Avenue, in conjunction with the FY 2024 Byrnes Aquatic Center Project, Contract No. 1077, and authorizing the Mayor to execute said document.

Submitted by: Paul Huting, Leisure Services Director

## ORDINANCES

1. **Ordinance establishing grades for the City of Waterloo FY 2024 Sidewalk Repair Assessment Program – Zone 3, Contract No. 1082.**

   Motion to receive, file, consider, and pass for the first time an ordinance establishing grades for the City of Waterloo FY 2024 Sidewalk Repair Assessment Program – Zone 3, Contract No. 1082.
   Motion to suspend the rules.
   Motion to receive, file, consider, and pass for the second and third times and adopt said ordinance.

   Submitted by: Oumie Ceesay

## ADJOURNMENT

**Motion to adjourn.**

Kelley Felchle
City Clerk