

March 20, 2023

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, March 20, 2023. Mayor Quentin Hart in the Chair. Roll Call: Boesen, Nichols, Amos, Chiles, Grieder, Wilder and Feuss, joined the meeting.

Roll Call.

Mayor Pro-Tem Feuss in the Chair. Boesen, Nichols, Creighton-Smith, Chiles, Wilder, joined the meeting. Mayor Hart and Mr. Grieder were absent.

Prayer or Moment of Silence

Pledge of Allegiance: Dave Boesen, At-Large Council Member

Agenda, as proposed or amended.

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

Minutes of March 6, 2023, Regular Session, as proposed.

Nichols/Wilder
that the minutes of March 6, 2023, Regular Session, as proposed, be approved. Voice vote: Ayes - Six. Motion carried.

Minutes of March 14, 2023, Special Session, as proposed.

Nichols/Wilder
that the minutes of March 14, 2023, Special Session, as proposed, be approved. Voice vote: Ayes - Six. Motion carried.

PUBLIC COMMENTS

Proud Image Barbershop Chorus sang the National Anthem and shared information about their upcoming event.

Dwayne Eilers, 1205 1/2 Bishop Street, commented that two weeks ago people dumped couches, chairs, washers, tires, etc., and that the city has not cleaned this up since October. He asked the city to sell the property to him so he can maintain the property.

Jerry Ball, 449 Kern, shared that he has a problem with his neighbor's dog. It barks non-stop and keeps him up at night. Animal control tells him they cannot do anything more. He shared that he has also had the police department out to look at this situation. He asked the city to change the ordinance so that animal control has more control over this type of situation.

Al Manning, 1025 South Hills Drive, shared that comments made by the Ward 2 Council member at the February 20th meeting and directed at citizens who oppose the conversion therapy ban, were both offensive and patently false. He further stated that there are three other council members that have accused citizens of expressing hate because they oppose the ordinance banning conversion therapy.

Todd Obadal, 124 Amity Drive, expressed support for the comments provided by Manning. He congratulated Ms. Creighton-Smith for being elected to Ward 4.

David Dryer, 3145 W. 4th Street, commented that he wants to know more about the Residential Group Buy Solar Program.

Alia Raman, 223 Southbrook Drive, shared her opposition to comments made by Mr. Manning and Mr. Obadal. She expressed support for the Youth Mental Health Ordinance.

Laura Tull, 1217 Maplewood Drive, Cedar Falls, shared that her child lives in Waterloo fifty percent of the time and is therefore concerned about what is happening in Waterloo. She questioned what has been done to publicly educate constituents about the ordinance since the first reading two weeks ago.

Mr. Feuss shared that Mr. Grieder asked that he remind the public that a constituent forum is scheduled for March 30th at 5:30 p.m. at the Library in Room A and that Police Chief Leibold will be there as well.

Boesen/Nichols
to close Public Comments. Voice vote: Ayes - Six. Motion carried.

CONSENT AGENDA

Boesen/Wilder
that the following items on the consent agenda be received, placed on file and approved, including the bills payments for March 13, 2023 in the amount of \$3,902,627.51, and March 20, 2023 in the amount of \$1,526,723.69. Roll call vote: Ayes - Six. 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. 2023-153.

Resolution authorizing Mayor and City Clerk to opt in to settlement agreements concerning opioid litigation against Teva and Allergan (manufacturers) and CVS, Walgreens and Wal Mart (pharmacies).

Resolution adopted and upon approval by Mayor assigned No. 2023-154.

Resolution approving award of hotel/motel tax council discretionary funds to the Waterloo Municipal Band in the amount of \$23,000.00, and the Waterloo Police Department for uniformed presence at events, in the amount of \$30,000.00.

Resolution adopted and upon approval by Mayor assigned No. 2023-155.

Resolution approving preliminary plans, specifications, form of contract, etc., resetting date of

bid opening as April 13, 2023, and date of public hearing as April 17, 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, and rescinding Resolution No. 2023-125.

Resolution adopted and upon approval by Mayor assigned No. 2023-156.

Resolution setting date of public hearing as April 3, 2023, to approve the FY 2024 budget and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-157.

Resolution setting date of public hearing as April 3, 2023, on the authorization of a loan agreement and the issuance of not to exceed \$9,000,000.00 Sewer Revenue Capital Loan Notes, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-158.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as April 13, 2023, and date of public hearing of April 17, 2023, in conjunction with the Waterloo Regional Airport Airline Passenger Terminal Building HVAC Controls Project, - Federal Aviation Administration - Airport Improvement Program, via Grant No. 03-19-0094-054 - CARES Development, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-159.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of public hearing as April 3, 2023, in conjunction with the Waterloo Regional Airport Hangar No. 1 and 2 Roof Repairs Project, FAA AIP Project No. 3-19-0094-048, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-160.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of public hearing as April 3, 2023, in conjunction with the Waterloo Regional Airport ARFF Vehicle Exhaust Systems Project, FAA AIP Project No. 3-19-0094-055, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-161.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of public hearing as April 3, 2023, in conjunction with the Waterloo Regional Airport ARFF Station Parking Area and Roadway Access Project, FAA AIP Project No. 3-19-0094-055, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-162.

Resolution approving preliminary plans, specifications, bid documents, etc., setting date of bid opening as April 6, 2023, and date of public hearing as April 17, 2023, in conjunction with the FY 2023 Waste Water Treatment Plant and Lift Station Mowing Contract, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-163.

Resolution setting date of public hearing as April 3, 2023, to approve a request by Levi Architecture, on behalf of Starbucks, for a Site Plan Amendment to construct a coffee shop in the "S-1" Shopping Center District located north of 115 East Ridgeway Avenue, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-164.

Resolution setting date of public hearing as April 3, 2023 to approve the request by Tony Fischels for a Site Plan Amendment to construct a new 50,400 square foot warehouse building in the "M-2,P" Planned Industrial District located at the southeast corner of Leversee Road and Hyper Drive, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-165.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as March 23, 2023, and date of public hearing as April 3, 2023, in conjunction with Demolition and Site Clearance Services, Contract No. D-2023-04-01P, located at 1100 Sycamore Street, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-166.

Resolution authorizing the Mayor's appointment of Noel Anderson, and Aric Schroeder as designated voting alternate, to the Black Hawk County Metropolitan Area Transportation Policy Board for a term of one year.

Resolution adopted and upon approval by Mayor assigned No. 2023-167.

Liquor Licenses

- a. Buzz's Bar, 1016 Maynard Ave., Class A Alcohol w/Outside Service and Sunday Sales, Renewal - Exp: 3/14/2024.
- b. Crossroads Cinema, 2450 Crossroads Blvd., Class A Alcohol w/Sunday Sales, Renewal - Exp: 3/14/2024.
- c. Ray's Supermarket, 1975 Franklin St., Class E Alcohol w/Sunday Sales, Renewal - Exp: 3/2/2024.
- d. On the Rocks, 708 Jefferson St., Class C Alcohol w/Sunday Sales, Renewal - Exp: 3/27/2024.
- e. National Dairy Cattle Congress, 250 Ansborough Ave., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 2/29/2024.
- f. Amalgamated Loal 838 UAW, 2615 Washington St., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 2/29/2024.
- g. Hy-Vee Food Store #2, 2181 Logan Ave., Class E Alcohol w/Sunday Sales, Renewal - Exp: 3/23/2024.
- h. Hy-Vee Food Store #1, 2834 Ansborough Ave., Class E Alcohol w/Sunday Sales, Renewal - Exp: 3/23/2024.
- i. Jim's Food, 437 Sullivan Ave., Class E Alcohol w/Sunday Sales, Renewal - Exp: 4/14/2024.
- j. Spectra Venue Management, 200 W. 4th St. Class C Alcohol (Temporary 4-day suspension for an event - 3/31/2023 to 4/2/2023).

Motion to approve recommendation of appointment of Justin Speakar from the current Civil Service List to the position of Instrumental Control Technician in the ICT Department, effective March 21, 2023, pending pre-employment physical and drug testing.

Motion to approve Change Order No. 1 with Modern Builders, Inc., of Janesville, Iowa, for an increase of \$3,061.30, and for a revised project total of \$160,429.30, in conjunction with Waterloo Regional Airport Hangar No. 4 Office and Restroom area Renovation Project, and authorizing the Mayor to execute said document.

Motion approving an Exception to Burning Yard Waste Application by Dianne Phelps to burn approximately 6 acres of prairie grass and plants located at 1553 E. Donald Street from March 20, 2023 to May 10, 2023 between 9:00 a.m. to 6:00 p.m.

Motion approving an Exception to Burning Yard Waste Application by Sharon Stiles to burn up to 18.81 acres of native prairie vegetation on property located at 4335 Logan Avenue in April 2023, weather permitting.

Communication from the Police Department on the notice of the conclusion of employment of Lucas Scarbrough, Police Officer, effective March 8th, 2023 with recommendation of approval of payout of \$5,127.99 for unused benefits.

Planning, Programming and Zoning minutes of January 10, 2023.

Bonds.

PUBLIC HEARINGS

Request by South Hills Senior Living, LLC for a Site Plan Amendment to allow for the construction of a 9,307 square feet (23 stall) parking garage in the "R-4,R-P" Planned Residence District located at 1117 Maxhelen Boulevard.

Boesen/Wilder

to receive and file proof of publication of notice of public hearing. Voice vote: Ayes - Six. Motion carried.

Boesen/Wilder

Motion to close hearing and recommendation of approval of the Planning, Programming and

Zoning Commission. Voice vote: Ayes - Six. Motion carried.

Boesen/Wilder

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 site plan amendment to the "R-4,R-P" Planned Residence District to allow for the construction of a 9,307 square feet (23 stall) parking garage at 1117 Maxhelen Boulevard. Roll call vote: Ayes - Six. Motion carried.

Boesen/Nichols

Motion to suspend the rules. Roll call vote: Ayes - Six. Motion carried.

Boesen/Nichols

Motion to consider and pass for the second and third times and adopt the ordinance. Roll call vote: Ayes - Six. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5689.

RESOLUTIONS

Resolution authorizing the issuance of General Obligation Bonds, Series 2023A, and levying a tax for the payment thereof, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Wilder

Roll call vote: Ayes - Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-168.

Resolution establishing a fee for returned checks and creating a guaranteed payment-only policy for individuals or businesses who have passed two returned checks in a twelve-month period to the City of Waterloo.

Nichols/Wilder

Roll call vote: Ayes - Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-169.

Resolution approving a Purchase Agreement with Midwest Playscapes of Savage, Minnesota, in the amount of \$420,490.20, in conjunction with the FY 2024 Gates Park Renovation Amenities Purchase, and authorizing the Mayor to execute said documents.

Boesen/Wilder

Roll call vote: Ayes - Five. Nays - One (Creighton-Smith). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-170.

Resolution approving a Purchase Agreement with Waterplay Solutions Corporation of Kelowna, British Columbia, in the amount of \$248,196.46, in conjunction with the FY 2024 Gates Park Renovation Amenities Purchase, and authorizing the Mayor to execute said documents.

Boesen/Wilder

Roll call vote: Ayes - Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-171.

Resolution approving a Professional Service Agreement with AECOM Technical Services of Waterloo, Iowa, in conjunction with engineering and construction-related services for Riverfront Stadium Grandstand Inspection, and authorizing the Mayor to execute said documents.

Dave/Nichols

Roll call vote: Ayes - Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-172.

Resolution approving a Community Garden Agreement with the University of Northern Iowa Center for Energy and Environmental Education, to utilize the designated portion of Highland Park as a community garden for growing vegetables, and authorizing the Mayor to execute said document.

Dave/Nichols

Roll call vote: Ayes - Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-173.

Mr. Boesen commented that a public garden is going to be a great addition to that neighborhood.

Resolution approving a request by Hall & Hall Engineers on behalf of Mann Road Storage, LLC, for the Preliminary Plat of University Progress Addition, a 4-lot Commercial Subdivision located at and adjacent to 3810 University Avenue.

Dave/Nichols

Roll call vote: Ayes - Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-174.

Resolution approving the request by the City of Waterloo for the Final Plat of North Crossing Third Addition a 3-lot residential/commercial subdivision located in the "R-4, R-P" Planned Residence District, located north of 501 Lakeside Street.

Dave/Nichols

Roll call vote: Ayes - Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-175.

Resolution approving Engineering Department Fee Schedule for street repairs following excavations.

Nichols/Boesen

Roll call vote: Ayes - Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-176.

ORDINANCES

Amendment to the noise variance ordinance.

Wilder/Nichols

Motion to receive, file, consider and pass for the second time. Roll call vote: Ayes - Five. Nays - One. (Boesen). Motion carried.

Mr. Boesen questioned how important this ordinance is, since people do not follow it. He cited a recent event held in Lincoln Park.

Ms. Wilder questioned how the public can be better informed on the requirements if they wish to hold an event.

Kelley Felchle, City Clerk, commented on current practices of informing the public, and suggested this could be added to the city Facebook page and to ensure that Neighborhood Services is aware of it as well.

Ms. Creighton-Smith questioned if there is a decibel level that would require a variance to the noise ordinance application.

Kelley Felchle explained that the ordinance does address decibel levels.

Mr. Chiles commented that he would like council to look at how to put into place a mechanism to enforce the ordinance.

Wilder/Nichols

Motion to suspend the rules. Roll call vote: Ayes - Four. Nays - Two. (Boesen, Feuss). Motion failed.

An ordinance amending Subsection G of the ATE ordinance.

Wilder/ Boesen

Motion to receive, file, consider, and pass for the first time. Roll call vote: Ayes - Five. Nays - One (Creighton-Smith). Motion carried.

Todd Obadal, 124 Amity Drive, questioned how certain the council is that we are in compliance with every protection of the law that covers our citizens. He would like to see the council do more research prior to passing this ordinance.

Forest Dillavou, 1725 Huntington Road, commented that he was never given the hearing that he requested after receiving a camera ticket. Instead, he received a letter stating that his case was reviewed and that he must pay. He encouraged that the city change this hearing process to allow the citizens to meet and discuss the case, not just send a letter.

Mr. Boesen commented that there is signage when entering Waterloo that there are traffic enforcement cameras.

Wilder/Nichols

Motion to suspend the rules. Roll call vote: Ayes - Four. Nays - Two (Boesen, Creighton-Smith). Motion failed.

ADJOURNMENT

Wilder/Boesen

that the Council adjourn at 6:17 p.m. Voice vote: Ayes - Six. Motion carried.

Kelley Felchle
City Clerk