

March 6, 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 6, 2023. Mayor Quentin Hart in the Chair. Roll Call: Boesen, Nichols, Chiles, Grieder, Wilder and Feuss, joined the meeting.

Roll Call.

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

Prayer or Moment of Silence

Pledge of Allegiance

Nia Wilder, Ward 3 Council Member

Agenda as proposed or amended.

Feuss/Wilder

that "the agenda as proposed or amended", be approved. Voice vote-Ayes: Six. Motion Carried.

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

Feuss/Wilder

that "the minutes of February 20, 2023, Regular Session, as proposed", be approved. Voice vote-Ayes: Six. Motion carried.

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

PUBLIC COMMENTS

Jacob Tallow, 566 Sheridan Road, two weeks ago he attended a council meeting and was surprised that the frequency with which the council suspends the rules. He shared that there are topics the public will want to discuss and putting that on the agenda gives the impression that an item is going to be rushed through.

Deborah Hodges Harmon, Executive Director of Jesse Cosby Center, shared that the center is in its 56th year in the community and thanked Mayor Hart for coming to the event on Saturday. She shared that the Mayor truly has a servant's heart.

Dwayne Eilers, 1205 1/2 Bishop Street, Mayor explained to Mr. Eilers that he would not be recognized until he removed his hat, and he refused to do so.

Feuss/Grieder to recess. Voice Vote: Ayes-Six. Motion carried.

Grieder/Boesen to return from recess at 5:50 p.m. Voice Vote: Ayes-Six. Motion carried.

Al Manning, 1020 South Hill Drive, commented on Ordinance 5662 that passed last September and questioned if the three minutes speaking rule for council members is enforced. He commented on several sections of the code of ordinances regarding council conduct. He gave an opinion on some public posts that were made by a council member that were divisive, untrue and disrespectful to members of the public. He stated that the citizens of Waterloo elect council members to be a legislative body and not community organizers.

Mayor Hart commented that the three minute rule is waived if the person is the sponsor of a proclamation, resolution or ordinance.

Feuss/Wilder to close Public Comments. Voice Vote: Ayes-Six. Motion carried.

CONSENT AGENDA

Feuss/Wilder

that the following items on the consent agenda be received, placed on file and approved. Voice 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.

February 27, 2023 in the amount of \$1,158,350.86

March 6, 2023 in the amount of \$2,635,952.36

Resolution adopted and upon approval by Mayor assigned No. 2023-120.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-121.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-122.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-123.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-124.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-125.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-126.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-127.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-128.

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).

Resolution adopted and upon approval by Mayor assigned No. 2023-129.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-130.

Leisure Services Commission Board minutes of January 10, 2023.

Airport Board minutes of January 25, 2023.

Jared Hottle

Board/Commission: Historic Preservation Commission

Expiration Date: March 6, 2026

New Appointment

Kory Carty

Board/Commission: Highway 218 Design Review Board

Expiration Date: March 6, 2026

Renewal Appointment

Gina Jordan Burg

Board/Commission: Highway 218 Design Review Board

Expiration Date: March 6, 2026

Renewal Appointment

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.

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.

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

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.

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.

Liquor Licenses

- a. Buzz's Bar, 1016 Maynard Ave., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Expiration 3/14/2024.
- b. Crossroads Cinema, 2450 Crossroads Blvd., Class C Alcohol w/Sunday Sales, Renewal - Expiration 3/14/2024.

PUBLIC HEARINGS

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

Grieder/Feuss

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

HOLD HEARING - No comments on file.

Grieder/Fuess

Motion to close hearing. Voice vote-Ayes: Six. Motion Carried.

Grieder/Nichols

Resolution instituting proceedings to take additional action, be adopted. Roll Call Vote: Six.
Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-131.

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

Ray Feuss/Jonathan Grieder

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

HOLD HEARING - No comments on file.

Feuss/Grieder

Motion to close hearing. Voice vote-Ayes: Six. Motion Carried.

Feuss/Grieder

Resolution instituting proceedings to take additional action, be adopted. Roll Call Vote: Six.
Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-132.

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

Nichols/Wilder

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

HOLD HEARING - No comments on file.

Nichols/Wilder

Motion to close hearing. Voice vote-Ayes: Six. Motion Carried.

Nichols/Wilder

Resolution instituting proceedings to take additional action, be adopted. Roll Call Vote: Six.
Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-133.

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

Boesen/Wilder

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

HOLD HEARING - No comments on file.

Boesen/Wilder

Motion to close hearing. Voice vote-Ayes: Six. Motion Carried.

Bosen/Wilder

Resolution instituting proceedings to take additional action, be adopted. Roll Call Vote: Six.
Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-134.

Proposed Allocation plan for HOME- American Rescue Plan.

Feuss/Wilder

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

HOLD HEARING - No comments on file.

Feuss/Nichols

Motion to close hearing. Voice vote-Ayes: Six. Motion Carried.

Feuss/Chiles

Resolution approving the proposed Allocation Rescue Plan 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, be adopted. Roll Call Vote: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-135.

Mr. Boesen encouraged the public to visit the city website and review the detailed plan which shows how many people this will help.

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.

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

Nichols/Feuss

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

HOLD HEARING - No comments on file.

Nichols/Feuss

Motion to close hearing. Voice vote-Ayes: Six. Motion Carried.

Nichols/Feuss

Resolution confirming approval of plans, specifications, form of contract, and authorizing to proceed. Roll Call Vote: Six. Motion Carried.

Nichols/Feuss

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

BID SUMMARY SHEET WATERLOO REGIONAL AIRPORT IMPROVE TERMINAL BUILDING - INSTALL SECURITY SYSTEM FAA AIP PROJECT NO. 3-19-0094-054 (CARES) AECOM PROJECT NO. 60675091 March 3, 2022				
	Bid Bond	Base Bid	Add Alternate Bid	Total Bid
K & W Electric, Inc. Cedar Falls, Iowa	5%	\$131,600.00	\$32,900.00	\$164,500.00
Engineer's Estimate		\$150,550.00	\$27,600.00	\$178,150.00

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, be adopted. Roll Call Vote: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-137.

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

Boesen/Grieder

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

HOLD HEARING - No comments on file.

Boesen/Grieder

Motion to close hearing. Voice vote-Ayes: Six. Motion Carried.

Boesen/Grieder

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 adopted and upon approval by Mayor assigned No. 2023-138.

Boesen/Grieder

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, be adopted. Roll Call Vote: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-139.

RESOLUTIONS

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.

Nichols/Wilder

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-140.

Mayor Hart commented that the City of Waterloo sees over 700,000 visitors per year for year and programming.

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.

Nichols/Wilder

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-141.

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.

Nichols/Wilder

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-142.

Mr. Boesen requested an update on what caused the delay.

Noel Anderson, Community Planning and Development Director, explained that unfortunately the plat was never recorded, so by ordinance they need to come back to council to re-approve the item.

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.

Feuss/Nichols

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-143.

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.

Feuss/Nichols

Voice vote-Ayes: Seven. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-144.

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.

Fuess/Nichols

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-145.

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.

Boesen/Nichols

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-146.

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.

Boesen/Nichols

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-147.

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.

Boesen/Nichols

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-148.

Mr. Boesen questioned the time differential between when the developer signed off on the tax rebates and why we're just now seeing it come before council.

Noel Anderson, Community Planning and Development Director, provided an overview of the assignment of rebates.

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.

Nichols/Feuss

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-149.

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.

Nichols/Feuss

Voice vote-Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-150.

Mr. Chiles questioned how long it will take to reach the minimum assessment on the building.

Noel Anderson, Community Planning and Development Director, explained that it would be upon receipt of a certificate of occupancy.

Mr. Boesen questioned what the estimated property tax generation for the properties would be when completed.

Noel Anderson commented that he would get a spreadsheet to council.

Mr. Boesen questioned if there was a design specification.

Noel Anderson commented that there are no design restrictions.

Mayor Hart questioned if Mr. Boesen felt there should be discussion on design specifics.

Mr. Boesen confirmed.

ORDINANCES

An ordinance enacting a new youth mental health protection.

Grieder/Wilder

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.

Feuss/Boesen

Motion to postpone until May 1, 2023. Roll Call Vote: Ayes-Four. Nays: Grieder and Nichols. Motion Carried.

Mr. Boesen commented that with everything going on at the state house, he would like to see this postponed until after the state legislative acts so we won't be in violation of anything they might pass.

Mr. Grieder commented that he can understand that there are people who don't want to have uncomfortable conversations, but he does not believe we have the option to wait. He is opposed to postponing the item.

Mr. Feuss commented that he has received a lot of emails and phone calls from people and stated that it is clear that people want to support LGBTQ+ individuals, but there is some unclearness about what this ordinance does. He supports the postponement because we need to make sure the city won't be held liable in any way.

Ms. Wilder shared that a constituent contacted her and it was clear after speaking, that there was confusion about what the ordinance would do. She supports a postponement, and suggests introducing clarifying language.

Mr. Grieder commented that giving more time to consider the ordinance will not clear the air of people who are willing to lie about the issue.

Mr. Feuss commented that it is the council's responsibility to counter the confusion with clear information.

Ms. Wilder questioned if the language in the ordinance can be reworded.

Mayor Hart explained that any changes or amendments made after the first reading would require the ordinance to start all over again.

Mr. Feuss questioned if changes were proposed, would there be time for council to meet prior to May 1st.

Kelley Felchle, City Clerk, confirmed that there would be time to hold a work session prior to May 1st, but the ordinance as it stands will still require council votes.

Ms. Wilder clarified to the public that this does not mean everything stops and confirmed that the work won't stop here, something will definitely happen regarding this ordinance.

Mr. Boesen commented that he looks forward to the seventh council member being present for the vote.

Amendment to the noise variance ordinance.

Nichols/Feuss

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. Roll Call Vote: Ayes - Five. Nays - One (Boesen). Motion Carried.

Kelley Felchle, City Clerk, clarified the purpose of the amendment.

Mr. Boesen, commented that with this amendment, the public no longer has the opportunity to appeal a variance request they are opposed to. He stated for that reason, he cannot support the amendment.

Mr. Nichols questioned if there is an opportunity to include notification to possible affected individuals.

Kelley Felchle, explained that in the event of a block party, the organizer has the responsibility to notify neighbors. She commented that additional requirements can be added to the form if the council wishes.

Feuss/Chiles

Motion to suspend the rules. Roll Call Vote: Ayes - Zero. Nays - Six. Motion Failed.

OTHER COUNCIL BUSINESS

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.

Martin Petersen, City Attorney, provided the background for the order assessing civil penalty.

Mayor Hart questioned if this was a first violation for West Side Liquor.

Mr. Petersen confirmed.

Chiles/Feuss

Resolution approving Order Assessing Civil Penalty, in the amount of \$300.00 to West Side Liquor, 919 W. 5th Street, Waterloo, Iowa 50702, for sale of tobacco to minor, violation-first offense. Voice Vote: Six. Motion carried.

EXECUTIVE SESSION

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

Feuss/Wilder

Motion to adjourn to Executive Session. Roll Call Vote: Ayes - Six. Motion Carried.

ADJOURNMENT

Feuss/Wilder

Motion to adjourn Executive Session. Roll Call Vote: Ayes - Six. Motion Carried.

Kelley Felchle
City Clerk