August 18, 2025

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 18, 2025.

Roll Call.

Mayor Quentin Hart in the Chair. Roll Call: Mr. Boesen, Mr. Nichols, Ms. Creighton-Smith, Mr. Chiles, Mr. Simon, Ms. Wilder (via Zoom) and Mr. Feuss.

Prayer or Moment of Silence.

Pledge of Allegiance, Ray Feuss, Ward 5 Council Member.

Approval of Agenda as proposed or amended.

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

Approval of Minutes of the August 4, 2025 regular session, as proposed or amended.

Feuss/Nichols
that the minutes of the August 4, 2025, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

PUBLIC COMMENTS

The following individuals commented on various subjects.

Aaron Stacey Roberts, 411 Almond
Troy Everts, 1612 Franklin
Marcella Gruver, 203 Miriam Drive
Megan Butler, 818 Clough
Beverly Cosby, 315 Wendell
John Hayes, 110 Sunset
Nick Hendrick, Main Street Waterloo Board Member
LaTonya Graves, 607 E. Donald Street
David Dryer, 3145 W. 4th Street

Mr. Boesen questioned if the street sweepers are able to get out on their regular schedule to clean up streets.

Randy Bennett, Public Works Division Manager, provided an update on street maintenance and shared that staff are a bit behind due to storm clean-up efforts.

Feuss/Chiles
to close pubic comments. Voice vote-Ayes: Seven. Motion carried.

CONSENT AGENDA

Feuss/Nichols
that the following items on the consent agenda be received and placed on file, including the payment of bills for August 11, 2025, in the amount of $6,891,780.79, and August 18, 2025, in the amount of $4,552,521.68, be received and placed on file. Roll Call vote-Ayes: Seven. Motion carried.

Mr. Boesen requested Item No. 6 be considered separately.

Bills Payment, Finance Committee Invoice Summary Report, a copy of which is on file in the office of the City Clerk.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-455.

Resolution approving a cancellation of a sidewalk assessment for 304 South Street, Certificate No. 35-0017080, in the amount of $1,817.06.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-456.

Resolution approving Acknowledgment/Settlement Agreement for Tobacco Violation - First Offense with Jim's Foods, 437 Sullivan Avenue, Waterloo, Iowa 50701, and acceptance of a civil penalty in the amount of $300.00, and authorizing the Mayor and City Clerk to execute said document.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-457.

Resolution approving request of Maywood Real Estate, LLC, for a waiver for a concrete driveway, located at 108 Ogden Avenue, and authorizing the construction of an asphalt driveway and placing a driveway or sidewalk on City-owned right-of-way on an unimproved street.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-458.

Resolution approving the request of Rex Reed for a waiver for a concrete driveway, located at 389 Derbyshire Road, with the elimination of the sidewalk section due to inability to meet grade requirements.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-459.

Resolution of support for an application by 1515 Sycamore, LLC, for the Iowa Historic Tax Credit Program to the Iowa Economic Development Authority, to construct 87 dwelling units in conjunction with the rehabilitation of the Rath Administration Building, located at 1515 Sycamore Street, as approved by development agreement approved by the City Council by Resolution No. 2024-220, on April 15, 2024.

This item was moved to be considered separately.

Resolution approving cancellation of a sidewalk assessment for property located at 1121 W. 8th Street, in the amount of $279.47, and authorizing the City Clerk to notify Black Hawk County

Treasurer of said cancellation.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-460.

Resolution approving an Award Agreement with the Iowa Levee Improvement Fund, for a grant in the amount of $280,000.00, in conjunction with the FY 2024 Hawthorne Avenue Storm Sewer Lift Station Relief Well, Contract No. 1066, and authorizing the Mayor and City Clerk to execute said document.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-461.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as August 28, 2025, and date of public hearing as September 2, 2025, in conjunction with Asbestos Abatement Services, Contract AB-2025-08-01P, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-462.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as September 4, 2025, and date of public hearing as September 15, 2025, in conjunction with the FY 2026 Sidewalk Repair Assessment Program - Zone 5A, Contract No. 1127, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-463.

Resolution setting date of public hearing as September 15, 2025, to approve proposed repairs, in conjunction with the FY 2026 Sidewalk Inspection and Repair Program – Zone 5A, and approve a request to send out notification to property owners of proposed sidewalk repairs and estimate of costs, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-464.

Resolution setting date of public hearing for Monday, October 6, 2025 on an application for a State Revolving Fund loan and to make available to the public the contents of an environmental information document and the City's project plan, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-465.

Motion to approve Change Order No. 1 with Owen Contracting, Inc., of Cedar Falls, Iowa, for a net decrease of $139,049.45, in conjunction with Reconstruction of Taxiway A West, FAA AIP Project No. 3-19-0094-056-2023, and authorizing the Mayor and City Clerk to execute said document.

Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Owen Contracting, Inc., of Cedar Falls, Iowa, in the amount of

$2,328,474.30, in conjunction with the Reconstruction of Taxiway A West, FAA AIP Project No. 3-19-0094-056-2023 BIL.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-466.

Motion to approve the appointment of **Amber Chase** to the position of Administrative Secretary in the Waste Management Department, effective August 19, 2025.

Communication from the Building Inspections Department on the notice of the conclusion of employment of Timothy Troyer, Combination Inspector II, effective July 18, 2025, with recommendation of approval of payout of $3,713.07 for unused benefits.

Communication from the Library Department on the notice of the conclusion of employment of Mariah Bell, Library Assistant, effective August 1, 2025, with recommendation of approval of payout of $1,498.54 for unused benefits.

Motion to approve Exception to Burning Yard Waste Application by B & K Lawn Care to burn a 15-foot strip of native prairie vegetation around a pond on property located at Landmark Commons, 1400 Maxhelen Blvd., August 18-30, 2025, 9:00 a.m. - noon.

Motion to approve Exception to Burning Yard Waste Application by Cedar Valley Soccer Club to burn native prairie vegetation around the 21-acre complex located at 3238 Dewitt Road, October 20–December 31, 2025.

Cigarette/Tobacco/Nicotine/Vapor Permits
New Star Fletcher, 315 Fletcher Avenue. (Device Permit)
Express Mart, 2027 Falls Avenue. (Device Permit)

Liquor Licenses
Dollar General #30998, 5570 Washington Street, Class B w/Sunday Sales (Ownership Update) Exp: 03/22/2026.
Dub's Pub, 1106 LaPorte Road, Class C w/Outdoor Service and Sunday Sales, (Renewal), Exp: 09/12/2026.
Dub's Pub, 1106 LaPorte Road, Class C w/Outdoor Service and Sunday Sales, (Outdoor Service) Exp: 09/13/2025.
Hy-Vee Food Store #1, 2834 Ansborough Avenue, Class E w/Sunday Sales (Ownership Update) Exp: 03/23/2026.
Hy-Vee Food & Drug Store #3, 1422 Flammang Drive, Class E w/Sunday Sales (Ownership Update) Exp: 02/08/2026.
Hy-Vee Wine & Spirits #1, 2126 Kimball Avenue, Class E w/Sunday Sales (Ownership Update)

Exp: 11/14/2026.
Hy-Vee Fast & Fresh #1, 3700 University Avenue, Class E w/Sunday Sales (Ownership Update) Exp: 10/31/2026.
Hy-Vee Clubroom #1, 2834 Ansborough Avenue, Class C w/Sunday Sales (Ownership Update) Exp: 10/16/2025.
Hy-Vee Fast & Fresh #3, 1512 Flammang Drive, Class B w/Sunday Sales (Ownership Update) Exp: 08/26/2026.
Kwik Star #229, 1717 E. San Marnan Drive, Class B w/Sunday Sales (Renewal), Exp: 09/24/2026.
Locke at Tower Park, 4140 Kimball Avenue, Class C w/Outdoor Service and Sunday Sales (Renewal) Exp: 09/20/2026.
Placita, 321 W. 4th Street, Class B w/Sunday Sales (Renewal) Exp: 07/13/2026.
RiverLoop Expo Plaza, Class C w/Sunday Sales (Temporary Premise Transfer) Exp: 08/30/2025.
Uni Mart, 1615 Bishop Avenue, Class E w/Sunday Sales (Premises Update) Exp: 02/26/2026.
XO Food & Liquor, 428 Franklin Street, Class E w/Sunday Sales (Renewal) Exp: 08/09/2026.

Bonds.

Item No. 6
Boesen/Nichols

Resolution of support for an application by 1515 Sycamore, LLC, for the Iowa Historic Tax Credit Program to the Iowa Economic Development Authority, to construct 87 dwelling units in conjunction with the rehabilitation of the Rath Administration Building, located at 1515 Sycamore Street, as approved by development agreement approved by the City Council by Resolution No. 2024-220, on April 15, 2024. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-467.

Mr. Boesen requested additional information on the project and shared that it appears that the developer is re-applying for tax credits.

Aric Schroeder, City Planner, provided an overview of the purpose of the resolution.

Mr. Boesen requested a timeframe for the project, especially as it relates to the development agreement.

PUBLIC HEARINGS

Request by the City of Waterloo to rezone approximately 0.15 acres of land from “R-2, C-Z” Conditional Zoning District to “R-2” One and Two Family Residence District west of 207 Hope Avenue.

Nichols/Creighton-Smith
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 and there were none.

Nichols/Creighton-Smith
to close the hearing and receive and file recommendation of approval of the Planning, Programming and Zoning Commission. Voice vote-Ayes: Seven. Motion carried.

Nichols/Creighton-Smith
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 request by the City of Waterloo to rezone approximately 0.15 acres of land from "R-2, C-Z" Conditional Zoning District to "R-2" One and Two Family Residence District west of 207 Hope Avenue. Roll Call vote-Ayes: Seven. Motion carried.

Nichols/Creighton-Smith
to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Nichols/Creighton-Smith
to consider and pass for the second and third times and adopt the ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5084.

<u>Sale and conveyance of approximately 0.19 acres of city-owned property, located west of 720 Upton Avenue, in the amount of $5,000.00, to Half Dozen Properties, LLC., including a Development agreement.</u>

Boesen/Nichols
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, questioned the incentives for the property and why it is not considered a joint-venture considering the incentives the city is providing for the project.

Aric Schroeder, City Planner, commented that the no joint venture language in the development agreement is a legal term that is in all development agreements and provided an overview of the term. He further provided an overview of the plans for the project.

Megan Butler, 818 Clough Street, questioned if the $5,000.00 incentive policy is only for developers or if it is open to any resident in Waterloo.

Boesen/Nichols
to close hearing and receive and file oral and written comments. Voice vote-Ayes: Seven. Motion carried.

Boesen/Nichols
Resolution authorizing the sale and conveyance of city-owned property located west of 720 Upton Avenue, in the amount of $5,000.00 to Half Dozen Properties, LLC, 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. 2025-468.

Mr. Boesen questioned if the property is located in the University Avenue TIF District.

Aric Schroeder, City Planner, commented that he would have to check the TIF map and report back.

Boesen/Nichols
Resolution approving a Development Agreement with Half Dozen Properties, for the construction of a two-family dwelling, having an approximate value of $320,000.00, and an infill incentive grant of $10,000.00, and authorizing the Mayor and City Clerk to execute said document. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-469.

<u>Sale and conveyance of approximately 0.20 acres of city-owned property, located northeast of 326 West 14th Street, in the amount of $1.00, to 5 Bees, LLC, including a Development and Minimum Assessment Agreement.</u>

Chiles/Nichols
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, commented that the development allows the city to purchase Exhibit A2 and sell it to the property owner. He commented that he believes the property owner should just purchase the land this developer wants the property.

Aric Schroeder, City Planner, commented that he does not have the actual purchase amount on hand, and provided an overview of the property that was purchased and the development plan.

Mayor Hart commented that there is a portion to the west of this parcel that came with this property that is already developed and has been assessed for over a million dollars and the money coming in for that development is already above what the city paid for the property.

John Brundrett, 5 Bees LLC, provided an overview of the project and commented that with future development in the area, the revenue coming in from this half a block will definitely offset costs.

Forest Dillavou, 1725 Huntington Road, commented that these developments will pay back to the Downtown TIF.

Chiles/Nichols
to close hearing and receive and file oral comments. Voice vote-Ayes: Seven. Motion carried.

Chiles/Nichols
Resolution authorizing the sale and conveyance of city-owned property located northeast of 326 West 14th Street, in the amount of $1.00 to 5 Bees, LLC, 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. 2025-470.

Mr. Boesen commented that the development is located in the Rath TIF District.

Mr. Simon commented that if it is unknown what was going into the building, it is just a nice-looking building.

Ms. Creighton-Smith shared that she is pleased that something is happening there because it has been horrible.

Chiles/Nichols
Resolution approving a Development Agreement with 5 Bees, LLC, for the construction of a 2,560-square-foot building, with an approximate value of $178,000.00 and options for additional land, and authorizing the Mayor and City Clerk to execute said document. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-471.

<u>Sale and conveyance of city-owned property located south of 427 Iowa Street, to Iowa Heartland Habitat for Humanity, in the amount of $1.00, for the rehabilitation of 427 Iowa Street in the Walnut Neighborhood, including a Development Agreement.</u>

Feuss/Nichols
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 and there were none.

Feuss/Nichols
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Feuss/Nichols
Resolution authorizing the sale and conveyance of city-owned property located south of 427 Iowa Street, to Iowa Heartland Habitat for Humanity, in the amount of $1.00, for the rehabilitation of 427 Iowa Street in the Walnut Neighborhood 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. 2025-472.

Feuss/Nichols
Resolution approving a Development Agreement with Iowa Heartland Habitat for Humanity for rehabilitating one single-family home located at 427 Iowa Street and conveyance of the property south of 427 Iowa Street for $1.00, and authorizing the Mayor and City Clerk to execute said document. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-473.

<u>RESOLUTIONS</u>

Resolution approving a Hold Harmless Agreement with Cedar Valley Catholic Schools of Waterloo, Iowa, in conjunction with student and parent ingress and egress through Miller Park off Carolina Avenue for the 2025-2026 school year, and beyond , and authorizing the Mayor and City Clerk to execute said document.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-474.

Megan Butler, 818 Clough, questioned if the Catholic schools will be taking over mowing Miller's Park and if it could be turned into a native prairie.

James Bolger, Interim Assistant Director Leisure Services, explained that the Catholic schools will do the snow removal for the path but will not take over the mowing. He commented that the area does get used as a playground at times and shared that the city will maintain the mowing, and that he will touch base with the natural resources technician on whether the detention basin could be used as a native grass area.

Resolution approving a Professional Services Agreement with Public Consulting Group, in the amount of five percent of federal share of reimbursements received from participation in the Ground Emergency Medical Transport program for each cost reporting cycle covered under said agreement and authorizing the Mayor to execute said document.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-475.

David Dryer, 3145 W. 4th Street, requested an overview of the agenda item.

Bill Beck, Fire Chief, provided an overview of the item.

Resolution approving a temporary easement agreement in the amount of $2,867.00 with John P. Khairallah, located at 520 La Porte Road, in conjunction with the La Porte Road Phase II Reconstruction Project, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-476.

Resolution approving a request by VJ Engineering on behalf of 3 Stooges, LLC for the Final Plat of Martin Road Subdivision, a 3-lot industrial subdivision in the “M-2-P” Planned Industrial District located at 1330-1350 Martin Road.

Chiles/Simon
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-477.

Resolution approving a request by Claude L. Manning and Rose M. Manning for an Encroachment Agreement to allow for a fence on city-owned right-of-way in the “R-2” One- and

Two-Family Residence District located south of 806 Cloverdale Avenue on Lucas Street.

Chiles/Simon
Roll Call vote-Ayes: Zero. Nays: Seven. (Boesen, Nichols, Creighton-Smith, Chiles, Simon, Wilder and Feuss). Motion failed. Resolution No. 2025-478.

Mr. Boesen commented that a similar item was voted down last week by the neighbor and the council voted it down. He shared that this homeowner did not take out a permit when they put the fence in, and it is encroaching quite a bit onto the Lucas Street right-of-way.

ADJOURNMENT

Feuss/Nichols
that the council adjourn at 6:28 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk