September 2, 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 Tuesday, September 2, 2025.

Roll Call.

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

Prayer or Moment of Silence.

Pledge of Allegiance, Mayor Quentin Hart.

Approval of Agenda as proposed or amended.

Feuss/Nichols
that the agenda as amended, by removing item #3 to be discussed in a Work Session, be approved. Voice vote-Ayes: Seven. Motion carried.

Approval of Minutes of the August 18, 2025, regular council meeting, as proposed or amended.

Feuss/Nichols
that the minutes of the August 18, 2025, Regular Session meeting as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

PUBLIC COMMENTS

The following individuals commented on various subjects.

Samantha Price, Main Street Waterloo Board of Directors
L.C. Smith, 416 Oliver

Feuss/Wilder
to close public comments. Voice vote-Ayes: Seven. Motion carried.

CONSENT AGENDA

Feuss/Wilder
that the following items on the consent agenda be received and placed on file, including the payment of bills for August 25, 2025, in the amount of $5,618,978.70, and September 2, 2025, in the amount of $3,026,386.30, be received and placed one file. Roll Call vote-Ayes: Seven. 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. 2025-479.

Resolution approving the request of Kristen Barfels for a waiver for a concrete driveway, located at 48 Martin Road, with the elimination of the sidewalk section due to inability to meet grade requirements.

Resolution adopted and upon approval by Mayor assigned No. 2025-480.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as September 18, 2025, and date of public hearing as October 6, 2025, in conjunction with the FY 2026 Winn Street Sanitary Sewer, Contract No. 1134, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2025-481.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as September 11, 2025, and date of public hearing as September 15, 2025, in conjunction with Demolition and Site Clearance Services, Contract No. D-2025-08-01P, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2025-482.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as September 11, 2025, and date of public hearing as September 15, 2025, in conjunction with Demolition and Site Clearance Services, Contract No. RD-2025-08-02P, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2025-483.

Resolution setting date of public hearing as September 15, 2025, to approve plans and specifications in conjunction with the Ansborough Avenue CMAQ, Traffic Signal Fiber Optic Installation from Downing Avenue south 2.7 miles to Fischer Drive to US 218, Iowa DOT Grant Project Number 07-8155-784, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2025-484.

Resolution setting date of public hearing as September 15, 2025, approving plans and specifications in conjunction with the Broadway Street CMAQ, Traffic Signal Fiber Optic Installation, Broadway Street from US 63 north 4.2 miles to US 218, Iowa DOT Grant Project Number 07-8155-785, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2025-485.

Resolution to approve contract, bonds, and certificate of insurance, in conjunction with the previously-awarded bid to GEMS Technical Services, Inc, FAA AIP Project No. 3-19-0094-057-2025, and authorizing the Mayor and City Clerk to execute said documents.

Resolution adopted and upon approval by Mayor assigned No. 2025-486.

Resolution accepting Iowa DOT FY-2026 Commercial Service Vertical Infrastructure grant, in the amount of $123,103.00, for Terminal Renovations (paint and carpet).

Resolution adopted and upon approval by Mayor assigned No. 2025-487.

Resolution approving the sale of used equipment/vehicles from the Public Works Department via the Purple Wave website.

Resolution adopted and upon approval by Mayor assigned No. 2025-488.

Motion to approve Final Quantity Summary with Lodge Construction, Inc., of Clarksville, Iowa, for a net increase of $2,213.80, in conjunction with the FY 2024 Sulentic Park Shelter, Contract No. 1105, and authorizing the Mayor to execute said document.

Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Lodge Construction, Inc., of Clarksville, Iowa, in the amount of $120,191.70, in conjunction with the FY 2024 Sulentic Park Shelter, Contract No. 1105, and receive and file a two-year maintenance bond.

Resolution adopted and upon approval by Mayor assigned No. 2025-489.

Motion to approve Change Order No. 06 with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net increase of $181,665.00, in conjunction with FY 2024 La Porte Road Improvements, Phase I Project, Contract No. 1016, DOT Contract No. STBG-SWAP-8155(760)--SG-07, and authorizing the Mayor and City Clerk to execute said document.

Motion approving Change Order No. 1 with Matt Construction, Inc. of Sumner, Iowa, for a total increase of $2,576.52 in conjunction with the FY 2025 South Hills Golf Course Maintenance Building Contract No. 1130, and authorizing the Mayor and City Clerk to execute said document.

Motion to accept and place on file the arbitrage results reflecting that a rebate earnings payment of $101,764.86 is due to the Internal Revenue Service for the General Obligation Bonds Series 2022B.

Motion to receive and place on file the City of Waterloo's submitted 509A Application for Renewal and Statement of Actuarial Opinion for FYE 2025.

Motion to approve Exception to Burning Yard Waste Application by George Wyth State Park to burn location within the park, generally located at 3659 Wyth Road, from September 2025 - April 2026.

Motion to approve the appointment of **Nathan Beuseling** from the current Civil Service List to the position of Property Safety Inspector in the Building Inspections Department, effective September 4, 2025.

Motion to approve the appointment of **Ann Baker** from the current Civil Service List to the position of Bookkeeper in the Housing Authority department, effective September 8, 2025.

Sarah Rieken, Board/Commission: Human Rights Commission, Expiration Date: September 2, 2028, [New].

Claudia Rivera, Board/Commission: Human Rights Commission, Expiration Date: 8/19/2028 [New-full].

Communication from the Police Department on the notice of the conclusion of employment of Thomas Flaherty, Police Officer, effective July 22, 2025, with recommendation of approval of payout of $3,734.94 for unused benefits.

Communication from the Traffic Department on the notice of the conclusion of employment of Mohammad Elahi, Traffic Operations Director, effective July 31, 2025 with recommendation of approval of payout of $10,501.62 for unused benefits.

Motion to receive and file Leisure Services Commission Board minutes of July 8, 2025.

Motion to receive and file Airport Board minutes of July 16, 2025.

Liquor Licenses

Bamboo Ridge Campground, 4550 La Porte Road, Class B w/Sunday Sales (Renewal) Exp: 09/18/2026.
Black Hawk Tennis Club, 1005 Black Hawk Road, Class C w/Sunday Sales (Renewal) Exp: 06/25/2026.
CVS/Pharmacy, #8544, 1825 E. San Marnan Drive, Class E w/Sunday Sales (Ownership Updates) Exp: 05/31/2025.
Hy-Vee Fast & Fresh #3, 1512 Flammang Drive, Class B w/Sunday Sales (Renewal) Exp: 08/26/2026.
Kwik Stop 3, 1104 Washington Street, Class E w/Sunday Sales (Renewal) Exp: 07/26/2026.
Landmark Commons, 1400 Maxhelen Boulevard, Class F w/Outdoor Services/Living Quarters/Sunday Sales (Renewal) Exp: 08/31/2026.
Longhorn Steakhouse #5374, 1425 E. San Marnan Drive, Class C w/Sunday Sales (Renewal) Exp: 08/31/2026.
Lounge Bar, LLC, 32 Lafayette Street, Class C w/Sunday Sales (New) Exp: 07/09/2026.
M & J Caribbean Restaurant, LLC, 926 La Porte Road, Class C w/Sunday Sales (New) Exp: 07/06/2026.
Mama Nick's Circle Pizzeria, Inc., 1934 Washington Street, Class C w/Sunday Sales (Renewal) Exp: 09/02/2026.
Prime Mart 5, 508 Broadway Street, Class E w/Sunday Sales (Renewal) Exp: 09/15/2026.
Prime Mart 7, 1309 Lafayette Street, Class E w/Sunday Sales (Ownership Updates) Exp:

04/30/2026.
Rome"s Place, 201 Rath Street, Class C Living Quarters w/Sunday Sales (New) Exp: 08/31/2026.

Bonds.

PUBLIC HEARINGS

Asbestos Abatement Services, Contract AB-2025-08-01P.

Chiles/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.

David Dryer, 3145 W. 4th Street, commented that this seems like an expensive abatement for what the city has been spending lately.

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

Chiles/Creighton-Smith
Resolution confirming approval of plans, specifications, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-490.

Mr. Chiles questioned why the asbestos abatement was not bid at the same time as the demolition.

Aric Schroeder, City Planner, provided an overview of the project.

Mr. Boesen commented that he was more concerned about not being able to get into parts of the building and ended up with an open contract and questioned how could we judge what asbestos might be in those tunnels.

Aric Schroeder shared that it is his understanding that Advanced Environmental did testing in those tunnels and no asbestos was found in the tunnels. He further shared that he would have to follow up with the contractor.

Chiles/Creighton-Smith
to receive, file, and instruct the City Clerk to read bids. Voice vote-Ayes: Seven. Motion carried.

Engineer's Estimate: $170,000.00

Site Services, Inc., Algona, IA - 5% - $126,500.00
All Star Environmental, LLC, Dubuque, IA - 5% - $163,800.00
REW Services Corporation, Des Moines, IA - 5% - $159,639.00
Advanced Environmental, Waterloo, IA - 5% - $115,000.00

Chiles/Creighton-Smith
Resolution approving award of bid to Advanced Environmental of Waterloo, Iowa, in the amount of $115,000.00, in conjunction with Asbestos Abatement Services, Contract AB-2025-08-01P, for property located at 310 Upland Drive, 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. 2025-491.

<u>RESOLUTIONS</u>

<u>Resolution approving and authorizing a Loan and Disbursement Agreement by and between the City of Waterloo and the Iowa Finance Authority, and authorizing and providing for the issuance of Sewer Revenue Capital Loan Note, Series 2025G (Reissuance of Sewer Revenue Capital Loan Notes, Series 2023B (2025 Loan Forgiveness) of the City.</u>

Nichols/Chiles
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-492.

David Dryer, 3145 W. 4th Street, requested further information about the purpose of the agenda item.

Bridgett Wood, Finance Director, provided an overview of the item.

<u>Resolution approving request by the Waterloo Regional Airport to release 13.0 acres of Airport property known as Parcel G and Parcel H, for the amount of $577,800.00, to the City of Waterloo, Iowa for continued development, and authorizing the Mayor and City Clerk to execute all formal land release documents as required and submit said documents to the Federal Aviation Administration.</u>

Nichols/Chiles
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-493.

David Dryer, 3145 W. 4th Street, questioned if there was already vacant property in that area for economic development.

Noel Anderson, Community Planning and Development Director, provided an overview of the purpose of the agenda item.

Mr. Boesen questioned why the city is releasing this land.

Noel Anderson explained that the tract of land is for infrastructure.

Mr. Chiles questioned if the funds would be directed to the airport.

Noel Anderson explained that the funds would go into an account that the airport can use for FAA-approved projects.

Resolution approving an agreement with Invision Architecture, not to exceed $8,500.00, for planning and design services related to new fuel site locations and Public Works facility updates, and authorizing the Mayor and City Clerk to execute said document.

This item was removed to be discussed during a council work session scheduled for September 15, 2025.

Resolution approving an agreement with Routeware, Inc. of Portland, Oregon, in the amount of $6,995.42 with a subscription fee increase of not more than four-percent during years two and three of a thirty-six-month contract, in conjunction with Sanitation collection, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Chiles
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-494.

Resolution approving Primary Highway Detour Agreements with the Iowa Department of Transportation to allow traffic to be detoured to various portions of Ridgeway Avenue, in conjunction with the Highway 20 Pavement Replacement Project, NHSX-020-6(73)--3H-07, and authorizing the Mayor to execute said document.

Boesen/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-495.

Mr. Boesen questioned if part of the contract would include repairs.

Jamie Knutson, City Engineer, confirmed, and explained that this is just when the ramps are closed and would only affect traffic exiting at a particular interchange that would be re-routed.

Resolution approving a Professional Services Agreement with Tallgrass Archaeology, of Iowa City, Iowa, in the amount of $15,678.68, in conjunction with the EDA Grant for storm and sanitary sewer for the WARP Business Park, and authorizing the Mayor and City Clerk to execute said document.

Boesen/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-496.

Resolution approving an Early Access Agreement with International Paper Company, to allow for the transportation of excess fill located at 3230 Leversee Road to 4050 Leversee Road, and authorizing the Mayor and City Clerk to execute said document.

Boesen/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-497.

Resolution approving a Permanent Utility Easement Agreement with SKH Properties, LLC, located at 330 Tower Park Drive, and authorizing the Mayor and City Clerk to execute said documents.

Boesen/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-498.

Resolution to approve the first amendment to the development agreement between the City of Waterloo and Waterloo Crossroads Development, LLC, to increase the maximum amount payable to the developer by $4,000,000.00, and authorizing the Mayor and City Clerk to execute said amendment.

Feuss/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-499.

David Dryer, 3145 W. 4th Street, questioned why additional monies are being paid to the developer.

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

Mayor Hart provided additional comments relating to the various individual agreements between the entities.

BJ Stokesberry, ATI Group, a wholly owned subsidiary of McClure Engineering, explained that, unfortunately, shortly before closing, they became aware that there were some off-site agreements that they were not told about, nor were they identified in a title search. The project was halted, and they have been working relentlessly since February to get it back on track. He shared that these issues are what lead to the need for the increase. He further provided additional information about the timing of the demolition portion of the project and what the first phase will include.

Mayor Hart questioned if they are working with local entrepreneurs interested in the project.

BJ Stokesberry confirmed that have been talking with franchises and local businesses that have expressed interest in exploring what it would look like to be there.

Mr. Boesen commented that he believes it's important to remember that McClure may not spend the entire amount of money. He added that Namdar, the mall owner, is buying property all over the country and letting it deteriorate.

Mr. Nichols questioned if there is a timeline for a master plan to come before council and the public.

BJ Stokesberry commented that a plan is put together and can be circulated.

Resolution approving a Collateral Assignment of the Development Agreement between Waterloo Crossroads Development, LLC, City of Waterloo, Iowa and Home State Bank, and authorizing the Mayor to sign said document.

Feuss/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-500.

David Dryer, 3145 W. 4th Street, requested additional information and if we are guaranteeing a loan for them.

Noel Anderson, Community Planning and Development Director, explained that the Collateral Assignment is part of the financing for the bank for them to be able to work with McClure and move forward with the project.

BJ Stokesberry, ATI Group, provided additional clarification of the Collateral Assignment. He clarified that the city would not be providing a guarantee. Rather, it is essentially the city allowing them to use the Development Agreement as collateral for their bank financing.

Resolution approving an Amendment to the Development Agreement between EIC Enterprises, LLC, Northeast Iowa Food Bank, and the City of Waterloo, for the relocation of two homes located at 1633 and 1637 Lafayette Street, and possible reuse of 1617 Lafayette Street, and authorize the Mayor and City Clerk to execute said amendment.

Chiles/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-501.

Barb Prather, Northeast Iowa Food Bank, thanked the council for their consideration of this resolution and said that it would help them move their project along that will not only help Waterloo and Black Hawk County residents but throughout Northeast Iowa as well.

Forest Dillavou, 1725 Huntington Road, expressed that he did not support the item.

Resolution approving a permanent easement agreement in the amount of $20,418.00, and a temporary easement agreement in the amount of $1,827.00, with Farmers State Bank, located west of 301 Tower Park Drive, in conjunction with the Winn Street sanitary sewer extension project, 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. 2025-502.

David Dryer, 3145 W. 4th Street, questioned if the property was given away for $1.00.

Noel Anderson, Community Planning and Development Director, stated that the city did not sell the property for $1.00.

Jamie Knutson, City Engineer, shared what the options were and explained that this was the least disruptive to the neighboring business and the least expensive choice.

Resolution approving a Temporary Easement Agreement with Veridan Credit Union, located at 233 Fisher Drive, in conjunction with the Winn Street Sanitary Sewer Extension Project, and authorizing the Mayor and City Clerk to execute said documents.

Wilder/Creighton-Smith

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-503.

Resolution approving a Release of a Mortgage between the City of Waterloo and Central Property Holdings, LLC for property located at 221 Franklin Street, and authorize Mayor and City Clerk to execute said document.

Wilder/Creighton-Smith
Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2025-504.

David Dryer, 3145 W. 4th Street questioned if the mortgage has been paid back and expressed that it seems like the city keeps giving away money.

Noel Anderson, Community Planning and Development Director, explained that as part of the original Development Agreement, the city did provide a $400,000.00 grant to acquire land for the development of All-In Grocers, the total lot cost was $750,000.00, and the developer paid the other $350,000.00. He explained that as part of the grant in the Development Agreement, the developer did meet the terms, so the mortgage should be released.

Ms. Creighton-Smith shared information that she received from Kerry Sutherland about his plans to revitalize the store and why the process has been delayed.

Ms. Wilder commented that Mr. Sutherland is doing his best to make sure this happens despite challenges with his health.

Mr. Nichols shared that Mr. Sutherland has the best healthcare available to him, and he is confident he will move forward with this project.

Mr. Chiles questioned if we are compelled to approve this action due to the legal requirements set forth in the contract.

Noel Anderson shared that as long as sections 2 and 3 of the agreement have been met, which they have, we should legally move ahead with this.

Mr. Boesen questioned if the resolution could be amended to release the mortgage contingent on the closing.

Noel Anderson commented that it would be best to consult with an attorney on that.

Ms. Creighton-Smith commented that this would not be the first development that has not met the timeline, yet we have continued to allow those projects to move forward until completed. She said she would like to see the council be equitable.

Mr. Nichols commented that there is no need to delay this decision.

ADJOURNMENT

Feus/Chiles
that the council adjourn at 6:26 p.m. Voice vote-Ayes: Six. Motion carried.

Kelley Felchle
City Clerk