April 3, 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, April 3, 2023.

Roll Call.

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

Prayer or Moment of Silence.

Pledge of Allegiance: Kelley Felchle, City Clerk

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

Feuss/Chiles
that the agenda as a proposed or amended, for April 3, 2023, and the minutes of March 20, 2023, Regular Session, as proposed", be approved. Voice vote-Ayes: Six. Motion carried.

Proclamation declaring April 10-14, 2023, as National Community Development Week.

PUBLIC COMMENTS

David Dryer, 3145 W. 4th Street, commented that there is a property at the NE corner of 6th and Commercial and questioned why this agreement cannot be terminated because he knows of a developer interested in the property.

Dwayne Eilers came to the podium but was not recognized as a speaker due to refusing to remove his baseball cap.

Feuss/Creighton-Smith to recess until the unrecognized speaker is removed. Voice vote- Ayes: Six. Motion carried.

Feuss/Grieder to reconvene at 5:41 p.m. Voice vote- Ayes: Six. Motion carried.

LC Smith, 416 Oliver Street, questioned why there is an inconsistency in the size of signage for traffic cameras.

Sam Blat, 107 Lafayette Street, commented that Iowa legalized gay marriage fourteen years ago and she is standing at the podium today to fight for LGBTQ Rights. She further commented that advocating for LGBTQ rights starts at the local level and that that lack of support flows upward. She added that the State of Iowa has passed bills that do not support LGBTQ Rights. She provided a list of 230 signatures that support banning conversion therapy.

Jason Falck, 1001 Kimball Avenue, spoke regarding conversion therapy and believes that gender-affirming therapy is the only one that should be supported.

Al Manning, 1020 Southill Drive, stated that he believed some of the council members thought that the definitions in the ordinance need to be clarified so that people understand the definitions better. He added that if anyone is interested in the studies he has referenced he would be happy to share his contact information so that a civil dialogue outside the meeting could occur.

Alia Raman, 223 Southbrook Drive, commented that she wanted to clarify words shared by other speakers. Banning gender-affirming care is the practice of telling children that it is not okay to be queer, LGBT trans, etc., and saying that being straight is the correct way to be. That is what this is actually about. This is about banning a practice that says some kinds of people are not okay.

Mr. Grieder commented that there is miscommunication about the bill. He provided an overview of the purpose of the ordinance. He further thanked Chief Leibold for attending his constituent forum.

Mr. Boesen thanked Mr. Anderson and Ms. Wood for answering his questions and further thanked Ms. Wood for updating Finance Department policies. He further commented that he noticed a lot of issues with the legal section of the Waterloo Courier, at no fault on the part of city staff.

Mr. Chiles requested an update on construction at the Waterloo Convention Center.

Jamie Knutson, City Engineer, provided an update on construction at the Waterloo Convention Center.

Mr. Chiles questioned if a street sweeping schedule was available for the citizens.

Randy Bennett, Public Works Division Manager, explained a schedule would be forthcoming shortly.

Feuss/Grieder
to close Public Comments. Voice vote-Ayes: Six. Motion carried.

CONSENT AGENDA

Feuss/Nichols
that the following items on the consent agenda be received, placed on file and approved, including the bills payments for March 27, 2023 in the amount of $3,206,338.64 and April 3, 2023 in the amount of $1,264,970.31. 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. 2023-177.

Resolution directing the advertisement for sale of $6,000,000.00 (subject to adjustment per terms of offering) General Obligation Bonds, Series 2023A, and approving electronic bidding procedures and distribution of preliminary official statement.

Resolution adopted and upon approval by Mayor assigned No. 2023-178.

Resolution in support of attendance and application for tuition scholarships for the 2023 Iowa Municipal Professionals Institute, including travel, housing, registration and meals not covered by a scholarship, and authorization the Finance Manager to apply for tuition scholarships for those attending.

Resolution adopted and upon approval by Mayor assigned No. 2023-179.

Resolution approving preliminary plans, specifications, bid documents, etc., setting the date of bid opening as April 27, 2023, and date of public hearing as May 1, 2023, in conjunction with the FY 2023 Gates Park Improvements, Contract No. 1076, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-180.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as April 20, 2023, and date of public hearing as May 1, 2023, in conjunction with the FY 2024 Levee Rip Rap Spraying, Contract No. 1083, and direct City Clerk to publish said notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-181.

Resolution authorizing salvage by B&B Lawn Care Inc., for two (2) trees on city-owned property, located at 1804 E. 4th Street, in the amount of $400.00, and accepting an Indemnity Agreement.

Resolution adopted and upon approval by Mayor assigned No. 2023-182.

Resolution setting date of public hearing as May 15, 2023, to approve the City Limits Urban Revitalization Area (CLURA) Plan for a five-year term, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-183.

Resolution waiving a mailed notice of public hearing to "occupants" with respect to proposed adoption of a City Limits Urban Revitalization Area (CLURA) Plan.

Resolution adopted and upon approval by Mayor assigned No. 2023-184.

Resolution approving the request by Shaban Gashi, for tax exemptions on the construction of one new twin home unit valued at $269,000.00, for property located at 4342 Mourning Dove Drive and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2023-185.

Resolution approving the request by The Accounting Group, for tax exemptions on the construction of new siding and a security fence valued at $35,238.79, for property located at 2625 Falls Avenue and located in the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2023-186.

Resolution approving an Escrow Agreement with Dieu I. Kabangu and Ange Kumbu for city-owned property located at 514 Johnson Street in the amount of $360.00, and authorizing the Mayor and City Clerk to execute said document.

Resolution adopted and upon approval by Mayor assigned No. 2023-187.

Request by the City of Waterloo to rename a one-mile portion of public West San Marnan Drive, from West 4th Street to Ansborough Avenue, as Van Miller Way.

Resolution adopted and upon approval by Mayor assigned No. 2023-188.

Resolution setting date of public hearing as April 17, 2023, to approve a request by Parks Property Management, LLC, on behalf of Pella Windows and Doors, for a Site Plan Amendment to construct a new 31,165 square foot commercial building in the "B-P" Business Park District, located south of 4041 Hurst Drive, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-189.

Resolution setting date of public hearing as May 1, 2023, to approve proposed repairs, in conjunction with the FY 2024 Sidewalk Inspection and Repair Program – Zone 3, and approve a request to send out notification to property owners of proposed sidewalk repairs and estimate of costs, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-190.

Resolution setting date of public hearing as April 17, 2023, for the sale and conveyance of City-owned property to Baltimore Fields, LLC, in the amount of $1.00, with a development agreement that includes a $5,000.00 grant upon the completion of each dwelling, located east of 1003 Vermont Street, for the construction of eighteen (18) single-family dwellings, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-191.

Resolution setting date of public hearing as April 17, 2023, to approve the Offer to Purchase Agreement with Uniti Dark Fiber, LLC, to sell approximately 0.340 acres of land located north of 2365 Northeast Drive, in the amount of $40,000.00, plus costs, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-192.

Resolution setting date of public hearing as April 17, 2023, for approval of a Development Agreement with Iowa Heartland Habitat for Humanity, in conjunction with the sale and conveyance of a vacant lot located northeast of 1522 W. 4th Street, within the Church Row Neighborhood, and a grant of $5,000.00 for infill housing development, and direct the City Clerk to publish Notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-193.

Resolution setting date of public hearing as April 17, 2023, for the sale and conveyance of City-owned property in the amount of $1.00 with a minimum assessed value of $1,800,000.00, located at the southeast corner of Leversee Road and Hyper Drive, for the construction of a 50,000 square foot warehouse with a future 9,000 square foot expansion, including a Development Agreement and Minimum Assessment Agreement with 3 Stooges, LLC, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-194.

Resolution approving Completion of Project and Acceptance of Work for work performed by Peters Construction of Waterloo, Iowa and release of retainage in the amount of $5,205.15 in conjunction with FY 2022 Anaerobic Lagoon Blower Building Interim repairs, Contract No. 1060, and received and file a two-year maintenance bond.

Resolution adopted and upon approval by Mayor assigned No. 2023-195.

Resolution approving an exception to the purchasing policy for the purchase of a 2023 Ford Ranger Demo unit for the Fog Inspector, in the amount of $31,670.00.

Resolution adopted and upon approval by Mayor assigned No. 2023-196.

Resolution approving submission of an Otto Schoitz grant application in the amount of $682,075.59, for Station Specific paging.

Resolution adopted and upon approval by Mayor assigned No. 2023-197.

Board of Adjustment minutes of January 24, 2023.

Community Development Board minutes of February 21, 2023.

Complete Streets minutes of January 31, 2023.

Historic Preservation Commission minutes of January 17, 2023.

Hwy. 218 Design Review Board minutes of July 21, 2022.

Leisure Services Commission Board minutes of February 14, 2023.

Planning, Programming and Zoning Commission minutes of February 14, 2023.

Liquor Licenses

1. Ali's Corner, 1117 E. 4th St., Class E Alcohol w/Sunday Sales, Renewal - Exp: 3/31/2024.
2. Anton's Garden, 518 Sycamore St., Special Class C Alcohol w/Outdoor Service and

Sunday Sales, Renewal - Exp: 4/30/2024.

3. Babe's Tap, 210 Division St., Class C Alcohol w/Sunday Sales, Renewal - Exp: 3/14/2024.
4. Cedar Valley Arboretum & Botanic Gardens, 1927 E. Orange Rd., Special Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 1/1/2024.
5. El Patron, 301 E. 4th St., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 2/29/2024.
6. Family Dollar #32879, 1608 University Ave., Class B Alcohol w/Sunday Sales, Renewal - Exp: 3/7/2024.
7. Hometown Foods, 1010 E. Mitchell Ave., Class E Alcohol w/Sunday Sales, Renewal - Exp: 4/30/2024.
8. Mugha, Inc., 735 Logan Ave., Class E Alcohol w/Sunday Sales, Renewal - Exp: 10/27/2023.
9. Tokyo Japanese Steakhouse, 1931 Sears St., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 2/13/2024.
10. Speedy Mart, 926 Linn St., Class B Wine/C Beer w/Sunday Sales, Renewal - Exp: 6/24/2023.
11. Linn Mart, 926 Linn St., Class B Alcohol w/Sunday Sales, New - Exp: 1/31/2024.

Motion to approve recommendation of appointment of Nicholas Boswell to the position of Golf Maintenance II in the Leisure Services Department, effective July 18, 2023.

Communication from the Engineering Department on the notice of the conclusion of employment of Sarah Kempen, Storm Water Specialist, effective March 3, 2023, with recommendation of approval of payout of $565.75 for unused benefits.

Communication from the Sanitation Department on the notice of the conclusion of employment of David Roeder, Solid Waste Technician, effective March 17, 2023, with recommendation of approval of payout of $1,993.32 for unused benefits.

Communication from the Traffic Operations Department on the notice of the conclusion of employment of Sandie Greco, Traffic Operations Director, effective March 17, 2023 with recommendation of approval of payout of $9,854.31 for unused benefits.

Motion approving an Exception to Burning Yard Waste Application by Ryan and Steve Rieger to burn native prairie tallgrass at the following locations. Sixty (60) acres south and east of 2703 Huntington Road, twenty-four (24) acres north of 2220 Katoski Drive and thirty (30) acres west and southwest of 2220 Katoski Drive during the month of April, weather permitting.

Bonds.

PUBLIC HEARINGS

FY 2024 Budget Hearing.

Feuss/Grieder
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Six. 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 citizens need tax relief.

Feuss/Grieder
to close the hearing and receive and file comments. Voice vote-Ayes: Six. Motion carried.

Feuss/Grieder
Resolution approving the FY2024 budget including total property tax askings of $46,756,479 and a levy rate of $19.73019 for the budget year ending June 30, 2024. Roll Call vote--Ayes: Six. Motion Carried. Resolution adopted and upon approval by Mayor assigned No. 2023-198.

Mr. Grieder commented that though this is not a perfect budget, it does make sure that our frontline services like police and fire are funded and also funds another rental inspector that people have been asking for. He thanked staff for all their hard work on this.

Mr. Boesen also thanked staff for their efforts and explained that his concern is not on this budget, but the next couple of years, because cash reserves and ARPA funds are being used to balance this budget, but they will run out. There will be some tough decisions to make in the coming years.

Mayor Hart commented that some of the changes made by the state challenged the city to find over $500,000 dollars overnight, in addition to losses due to changes in business tax, multi-family units, etc. He thanked the city staff for their work in light of all of the challenges the city faced this year.

Sewer Revenue Capital Loan Notes - The issuance of not to exceed $9,000,000.00 Sewer Revenue Capital Loan Notes.

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

This being the time and place of the public hearing, the Mayor called for written and oral comments and there were none.

Grieder/Chiles

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

Grieder/Chiles
Resolution Instituting Proceedings to Take Additional Action for the Issuance of not to exceed $9,000,000.00 Sewer Revenue Capital Loan Notes. Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-199.

Waterloo Regional Airport Pavement Rehabilitation to Runway 12/30, Taxiway Alpha East, and Taxiway Echo.

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

Nichols/Feuss
Resolution confirming approval of plans, specifications, form of contract, and authorizing to proceed.
Motion to receive, file, and instruct the City Clerk to read bids. Voice vote-Ayes: Six. Motion carried.

BID SUMMARY SHEET
WATERLOO REGIONAL AIRPORT
PAVEMENT REHABILITATION
FAA AIP PROJECT NO. 3-19-0094-053
AECOM PROJECT NO. 60675091
March 30, 2023

Bidder	Bid Security	Base Bid	Addendum No.	DBE Participation
Fahrner Asphalt Sealers, LLC Eau Claire, WI	5%	$581,004.50		
American Road Maintenance Tucson, AZ	5%	$543,285.00		
Gee Asphalt Systems, Inc. Cedar Rapids, IA	5%	$582,489.50		
Engineer's Estimate	$1,162,100.00		1	8.40%

Nichols/Feuss
Resolution approving award of bid to American Road Maintenance of Tucson, Arizona, in the amount of $543,285.00, approving the contract, bonds, and certificate of insurance, in conjunction with the Airport Pavement Rehabilitation Project to Runway 12/30, Taxiway Alpha East and, Taxiway Echo, Federal Aviation Administration, Airport Improvement Program, Project No. 3-19-0094-0056, and authorizing the Mayor and City Clerk to execute said documents. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-199.

<u>Airport Pavement Reconstruction to Taxiway Alpha West at Waterloo Regional Airport.</u>

Feuss/Chiles
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/Chiles
to close hearing. Voice vote-Ayes: Six. Motion carried.

Feuss/Chiles
Resolution confirming approval of plans, specifications, form of contract, and authorizing to proceed. Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-202.

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

BID SUMMARY SHEET

WATERLOO REGIONAL AIRPORT

RECONSTRUCITON OF TAXIWAY A - WEST

FAA AIP PROJECT NO. 3-19-0094-056 (BIL-AIG-2023)

AECOM PROJECT NO. 60695167

March 30, 2023

Bidder	Bid Bond	Base Bid	Add Alternate Bid	Total Bid	DBE Participation
Cedar Valley Corp. Waterloo, IA	5%	$2,829,974.75	$17,750.00	$ 2,847,724.75	
Owen Contracting, Inc.	5%	$2,488,523.75	$18,970.00	$2,507,493.75	

Cedar Falls, IA					
Engineer's Estimate		$2,361,040.00	$20,940.00	1	8.40%

Feuss/Chiles
Resolution approving award of bid to Owen Contracting, Inc., of Cedar Falls, Iowa in the amount of $2,507,493.75, approving the contract, bonds, and certificate of insurance, in conjunction with the Airport Pavement Reconstruction Project to Taxiway Alpha West, Federal Aviation Administration, Airport Improvement Program, Project No. 3-19-0094--0056 (BIL-AIG-2023), and authorizing the Mayor and City Clerk to execute said documents. Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-203.

ARFF - Airport Fire Station Parking Area and Roadway Access.

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

This being the time and place of the public hearing, the Mayor called for written and oral comments and there were none.

Boesen/Chiles
to close hearing. Voice vote-Ayes: Six. Motion carried.

Boesen/Chiles
Resolution confirming approval of plans, specifications, form of contract, and authorizing to proceed. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-204.

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

BID SUMMARY SHEET WATERLOO REGIONAL AIRPORT ARFF STATION PARKING AREA AND ROADWAY ACCESS FAA AIP PROJECT NO. 3-19-0094-055 (CARES) AECOM PROJECT NO. 60675091 December 15, 2022	
Bidder	Base Bid
Vieth Construction Corporation Cedar Falls, IA	$166,653.00
Lodge Construction, Inc. Clarksville, IA	$166,369.00

Woodruff Construction Waterloo, IA	$173,998.94
Owen Contracting, Inc. Cedar Falls, IA	$186,241.20
Engineer's Estimate	$161,425.00

Boesen/Chiles
Resolution approving award of bid to Lodge Construction of Clarksville, Iowa, in the amount of $166,369.00, approve the contract, bonds and certificate of insurance in conjunction with the ARFF - Airport Fire Station Parking Area and Roadway Access Project, Federal Aviation Administration, Airport Improvement Program, Project No. 3-19-0094-0055, and authorizing the Mayor and City Clerk to execute said documents. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023.205.

ARFF - Airport Fire Truck - Install Vehicle Exhaust System.

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

This being the time and place of the public hearing, the Mayor called for written and oral comments and there were none.

Grieder/Nichols
to close hearing. Voice vote-Ayes: Six. Motion carried.

Grieder/Nichols
Resolution confirming approval of plans, specifications, form of contract, and authorizing to proceed. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-206.

Grieder/Feuss
to receive, file, and instruct the City Clerk to read bids.Voice vote-Ayes: Six. Motion carried.

QUOTE SUMMARY SHEET WATERLOO REGIONAL AIRPORT ARFF VEHICLE EXHAUST SYSTEMS FAA AIP PROJECT NO. 3- 19-0094-055 AECOM PROJECT NO. 60675091 December 15, 2022	
Bidder	Base Bid
Ward Diesel Filter Systems Horsehead, NY	$22,104.00

Engineer's Estimate	$29,000.00

Grieder/Nichols
Resolution approving award of bid to Beecher Emission Solution Technologies dba Ward Diesel Filter Systems of Horseheads, New York, in the amount of $22,104.00, approving the contract, bonds, and certificate of insurance in conjunction with the ARFF - Airport Fire Truck Vehicle Exhaust System Project, Federal Aviation Administration, Airport Improvement Program, Project No. 3-19-0094-0053, and authorizing the Mayor and City Clerk to execute said documents. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-207.

Aircraft Storage Hangar No. 1 and 2 - Roof Repair Project.

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

Nichols/Chiles
Resolution confirming approval of plans, specifications, form of contract, and authorizing to proceed. Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-208.

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

QUOTE SUMMARY SHEET
WATERLOO REGIONAL AIRPORT HANGAR 1
& 2 ROOF REPAIRS
FAA AIP PROJECT NO. 3-19-0094-048
AECOM PROJECT NO. 60675091
December 15, 2022

Bidders	Base Bid
Modern Builders, Inc. Janesville, IA	$33,948.00

Woodruff Construction Waterloo, IA	$209,899.00
Engineer's Estimate	$34,320.00

Nichols/Chiles
Resolution approving award of bid to Modern Builders, Inc., of Janesville, Iowa, in the amount of $33,948.00, approve the contract, bonds, and certificate of insurance in conjunction with the Aircraft Storage Hangar No. 1 and 2 Roof Repair Project Federal Aviation Administration, Airport Improvement Program, Project No. 3-19-0094-0048, and authorizing the Mayor and City Clerk to execute said documents. Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-209.

Demolition and Site Clearance Services Contract No. D-2023-04-01P, for property located at 1100 Sycamore Street.

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

This being the time and place of the public hearing, the Mayor called for written and oral comments and there were none.

Chiles/Grieder
Motion to close hearing. Voice vote-Ayes: Six. Motion carried.

Chiles/Grieder
Resolution confirming approval of plans, specifications, form of contract, etc., and authorizing to proceed. Roll call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-210.

Dave Boesen questioned when the property would be vacated.

Noel Anderson, Community Planning and Development Director, commented that discussions are still ongoing.

Chiles/Grieder
Motion to receive, file, and instruct City Clerk to read bids and refer them to the Community Planning and Development Director for review. Voice vote-Ayes: Six. Motion carried.

Estimate: $85,000.00

Bidder	Bid Security	Total Bid Amount
Peterson Contractors, Inc. Reinbeck, IA	5%	$121,163.50
Lehman Trucking & Excavating, Inc. Waterloo, IA	5%	$79,284.00
Schrader Excavating & Grading Co. Walford, IA	5%	$69,345.00
D. W. Zinser Co. Walford, IA	5%	$56,900.00

Request by Tony Fischels for a Site Plan Amendment to construct a new 50,400 square foot office/warehouse building in the "M-2,P" Planned Industrial District located at the southeast corner of Leversee Road and Hyper Drive.

Nichols/Chiles
to receive and file proof of publication of notice of public hearing. Voice Vote-Ayes: Six. 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/Chiles
to close public hearing and receive and file recommendation of approval of the Planning, Programming and Zoning Commission. Voice Vote-Ayes: Six. Motion carried.

Nichols/Chiles
to receive, file, consider and pass for the first time an Ordinance amendment to 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 request by Tony Fischels for a Site Plan Amendment to construct a new 50,400 square foot office/warehouse building in the "M-2,P" Planned Industrial District located at the southeast corner of Leversee Road and Hyper Drive. Roll Call vote-Ayes: Six. Motion carried.

Nichols/Chiles
to suspend the rules. Roll Call vote-Ayes: Six. Motion carried.

Nichols/Chiles
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. 5690.

Request by Levi Architecture on behalf of Starbucks for a Site Plan Amendment to construct an approximately 2200 square foot coffee shop in the "S-1" Shopping Center District located north of 115 East Ridgeway Avenue.

Grieder/Feuss
to receive and file proof of publication of notice of public hearing. Voice Vote-Ayes: Six. Motion carried.

This being the time and place of the public hearing, the Mayor called for written and oral comments.

Cory Lorenzen, Attorney for the Developer, clarified that the dispute between MercyOne and Starbucks that was reported in the Courier, has been resolved. He submitted an email from Ryan Meyer, Chief Operating Officer - MercyOne indicating that there are no objections at this time.

David Dryer, 3145 W. 4th Street, commented that having three coffee shops in the same location seems a little much.

Mitchell DenHartog, 1013 Western Avenue, questioned if any traffic studies had been performed in this area due to the traffic they attract, and why another coffee was approved right next to one that was just build.

Noel Anderson, Community Planning and Development Director, explained that a couple of years ago the Kimball Avenue corridor was redesigned to take on more traffic. The plats were also required to have interconnectivity on site which was to help alleviate and spread out the traffic as it was dispersed from the site. The city traffic engineer did review this plan as part of the technical review committee and we believe that this project will work.

Grieder/Chiles
to close public hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission. Voice Vote-Ayes: Six. Motion carried.

Grieder/Chiles
to receive, file, consider and pass for the first time an Ordinance amendment to 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 Levi Architecture (on behalf of Starbucks) for a Site Plan Amendment to construct an approximately 2200 square foot coffee shop in the "S-1" Shopping Center District located north of 115 East Ridgeway Avenue. Roll Call vote-Ayes: Six. Motion carried.

Mr. Chiles expressed concern about the Starbuck's line of traffic. He cited the Crossroads Starbuck's as an example and questioned if there is something that can be done to prevent it from happening at this location.

Jamie Knutson, City Engineer, explained that the road at the Crossroads location is a private road and not managed by the city. He commented that there will always be circumstances that could not be planned for, but it is expected that this plan should work fine.

Cory Lorenzen commented that they have addressed the traffic issue in the feasibility study and there is enough room for fifteen vehicles in the drive-through.

Mr. Boesen commented that he is in favor of this development and what it will bring to the area.

Mr. Grieder asked that there be communication with the school district and building admin on when Starbucks would be opening. He questioned if consideration could be given to coffee shops north of the river in the future.

Mayor Hart commented that there are many establishments in our community, both locally owned and chains, that are located in close vicinity to each other . It does provide a challenge and we hope to continue conversations to expand to other parts of our community.

Mr. Chiles commented that the city hasn't reached market density in any area within Waterloo.

Ms. Creighton-Smith expressed concern for the viability of small businesses when we have large businesses come in.

Mr. Chiles explained that there is still plenty of room in that area for expansion. More businesses bring people in that may not have otherwise visited if it were not for the Starbucks, and those people will have an opportunity to learn what other businesses are there.

Ms. Creighton-Smith commented on the need to motivate developers to build in areas that are less concentrated.

Mayor Hart commented on a number of areas such as North Crossing (aka) Logan Plaza that have been developing over the past few years. He explained the city was very close to having a known coffee shop in that area, but was unfortunately not able to make that happen. He stated that there is a good opportunity within the next year and a half to have a coffee shop in that area.

Mr. Feuss explained that he attended the ribbon cutting for one of the newer coffee shops, and there was talk about expanding to three or four more in the area. He commented on the number of housing units that are being built who will be served by these businesses.

Grieder/Chiles
to suspend the rules. Roll Call vote-Ayes: Six. Motion carried.

Mayor Hart questioned if there are certain time constraints to move the project forward.

Cory Lorenzen explained that based on the scheduled timeline and to have it up and operating before winter, it would be beneficial to get it passed at this meeting because any delays will potentially increase costs.

Grieder/Chiles
to consider and pass for the second and third times and adopt ordinance. Roll Call vote-Ayes: Six. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5691.

<u>FY 2023 Broadway Street and E. San Marnan Drive Reconstruction Project, Contract No. 1072.</u>

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

Feuss/Chiles
This being the time and place of the public hearing, the Mayor called for written and oral comments and there were none.

Feuss/Chiles
to close the hearing. Voice vote-Ayes: Six. Motion carried.

Feuss/Chiles
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-211.

Mr. Boesen clarified that the city has the local option money to pay for both this project and the following project next on the agenda.

Jamie Knutson, City Engineer, confirmed that is correct.

Feuss/Chiles
to receive, file, and instruct the City Clerk to read the bids and refer to the City Engineer for further review. Voice vote-Ayes: Six. Motion carried.

Engineer's Estimate: DIVISION I + II + III + ALTERNATE A $6,532,704.38
DIVISION I + II + III + ALTERNATE B $6,050,293.88

Bidder	Bid Security	Bid Amount
Aspro, Inc. Waterloo, IA	5%	$7,429,551.98

FY 2023 Asphalt Overlay Program, Contract No. 1073.

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

This being the time and place of the public hearing, the Mayor called for written and oral comments and there were none.

Grieder/Feuss
to close hearing and receive and file oral and written comments. Voice vote-Ayes: Six. Motion carried.

Grieder/Nichols
Resolution confirming approval of plans, specifications, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-212.

Greider/Feuss

Motion to receive, file and instruct City Clerk to read bids. Voice vote-Ayes: Six. Motion carried.

Engineer's Estimate: $3,383,743.10

Bidder	Bid Security	Bid Amount
Aspro, Inc. Waterloo, IA	5%	$3,183,523.98

Grieder/Creighton-Smith
Resolution approving award of bid to Aspro, Inc., of Waterloo, Iowa, in the amount of $3,183,523.98, approving the contract, bond and certificate of insurance, in conjunction with the FY 2023 Asphalt Overlay Program, Contract No. 1073, and authorizing the Mayor and City Clerk to execute said document. Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-213.

RESOLUTIONS

Resolution approving a Purchase Agreement with Midwest Playscapes of Savage, Minnesota, in the amount of $222,735.40, in conjunction with the FY 2024 Gates Park Renovation Amenities Purchase, and authorizing the Mayor to execute said documents.

Nichols/Chiles
to approve the resolution. Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-214.

Ms. Creighton-Smith commented that she could only feel confident supporting this if she knew that there was a potential plan to make sure that her constituents would have access to a pool.

Mayor Hart commented that he is glad to have a conversation with Ms. Creighton-Smith in that regard and explained that it is a very tedious task to raise dollars for this project. He reminded council that tonight's vote is for playground equipment for the accessibility for children with challenges.

Resolution approving a Community Attraction and Tourism Grant Agreement, in the amount of $1,000,000.00 for Transforming Gates and Byrnes Parks, with award effective date of March 2, 2023, and authorizing the Mayor to execute said document.

Nichols/Chiles
to approve the resolution. Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-215.

Mr. Greider questioned where the $1,000,000 agreement will put us for the transformation of the Gates and Byrnes Park in terms of total fundraising.

Paul Huting, Leisure Services Director, explained that he does not have those figures with him, but believes we are getting close.

Mr. Feuss questioned if there have been adequate opportunity for the public to comment on the

Gates Park transformation project.

Paul Huting explained that there was a public presentation that described the project back in February of 2022 and council approved the project as presented. That presentation is what funders are donating to. There were also several public meetings as part of the aquatics master plan, including a focus group, public input meetings and media outreach and a survey with about one-thousand responses.

Mayor Hart stated that even with that, we have a responsibility to continue the conversation.

Mr. Feuss questioned if either of our pools would survive the upcoming season.

Paul Huting explained that Gates Pool has already been removed and Byrnes Pool will be up and running for this coming season if all goes well. However, it remains for just a limited time frame.

Mayor Hart questioned if children have no ability to pay to go to the pool, is there anything in place that would allow children to go to the SportsPlex to swim.

Paul Huting explained there is a program with the Waterloo Schools and with the Boys and Girls Club that offers swim instruction. There is also the Key Card program designed for families with financial challenges.

Mayor Hart would like to talk about some ideas he has that could increase some affordability for children who may want to go to Byrnes.

Ms. Creighton-Smith commented that she is aware there was a process, but many of her constituents were not given an opportunity to provide input and the process was skewed in many ways. She would like to talk about how to improve our communication so that those who will be directly impacted will have a voice.

<u>Resolution approving a Donation Agreement with Cedar Valley Catholic Schools to install a basketball court in Miller Park, and authorizing the Mayor to execute said document.</u>

Nichols/Chiles
to approve the resolution. Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-216.

Charlie Donohoue, 1305 Prospect Blvd., explained that the children from St. Edwards School wanted to raise funds for a basketball court and hoop on St. Edward's property. Unfortunately, there isn't enough property at the east of the school so he has been working with Leisure Service staff, Paul Huting and JB Bolger, to try to make an agreement with the city that if the kids could raise the money, the city would agree to allow them to put the court on Miller Park which is on the property line with the school. Several students from St. Edwards School each gave a short statement on why having a basketball court is important.

Mr. Chiles questioned if there would be a ribbon-cutting and how one could donate to this effort.

Charlie Donohoue explained that there will eventually be a ribbon-cutting event and noted that additional information will soon be available on the CVCS social media platform.

Mr. Grieder stated that he is incredibly impressed to see the kids take part in the civic process.

Mr. Boesen thanked the kids for their presentation and stated that he is very excited to see private and public partnerships to make things happen in Waterloo.

Resolution approving the termination of Development Agreements with Camenzind Masonry, for lots 2 and 5 of the Wagner Road Subdivision, each agreement originally approved by Council on March 15, 2021, and recorded April 6, 2021, as Doc. No. 2021-21071 and 2021-21075, due to the project moving to a different location within the City of Waterloo, and authorizing the Mayor and City Clerk to execute said document.

Grieder/Chiles
to approve the resolution. Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-217.

Noel Anderson, Community Planning and Development Director, provided an overview of items 4-6.

Resolution approving the Termination of a Development Agreement with SDC Real Estate, LLC, for property located north of 3040 Leversee Road, originally approved by Council on November 20, 2017, and recorded October 9, 2018, as Doc. No. 2019-5883, for failure to complete the project per the timeline provided for in the development agreement.

Grieder/Chiles
to approve the resolution. Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-218.

Resolution approving the Termination of a Development Agreement with Prosper Farms Network, LLC, for property located northeast of 2510 Leversee Road, originally approved by Council on May 6, 2019, and recorded July 3, 2019, as Doc. No. 2020-278, for failure to complete the project per the timeline provided in the development agreement.

Grieder/Chiles
to approve the resolution. Roll Call Vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-219.

Resolution approving an amendment to the Development Agreement with Union at North Crossing (formerly known as Union Development Holdings, LLC), originally approved April 4, 2022, for the addition of tax rebates with a schedule of three (3) years at 40 percent, two (2) years at 50 percent and two (2) years at 60 percent, with a minimum assessment agreement of $5,000,000.00, for the development of 180-residential units near North Crossing, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Feuss
to approve the resolution. Roll Call vote-Ayes: Five. Nays: One (Boesen). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-220.

Mr. Boesen requested clarification on the number of units.

Noel Anderson, Community Planning and Development Director, stated that there will be 180 units.

Mr. Boesen questioned why additional tax rebates are being offered above the CLURA.

Noel Anderson explained that the city continues to work with the developer to build out North Crossing area with new streets, new lots for retail, medical and senior center, daycare and 180 unit residential projects. These additional rebates will help them pay to do some necessary clearing, grubbing and moving of dirt that is needed for the larger project.

Mr. Boesen commented on the wording in the original development agreement that states that the property will be accepted as is, including the removal of trees and shrubs necessary at its own cost. Now, one year later, we want to give them $315,000 to pay for what they agreed to do at their own expense.

Noel Anderson clarified the purpose of this new agreement.

Mr. Chiles clarified that the city would have been paying for someone else to do this anyway, but now we're paying the developer.

Noel Anderson confirmed.

Mr. Boesen said it still does not make sense to him.

Noel Anderson explained that the developer will not be developing the entire site that we need cleared and grubbed. They will actually doing work that will tie into the storm water drainage system as well above and beyond their project.

Mayor Hart shared that the city formed a partnership years ago with Mr. Stroh to try to get the project away from a former owner. This allows us to get some improvement to the drainage in that area as well. It is probably the largest residential development that we've ever had in this area.

<u>Resolution approving the Real Estate Purchase Agreement with Ruan Incorporated, for the City acquisition of two (2) vacant parcels on Nevada Street, in the amount of $0.00 (parcels donated) plus closing costs in an amount not to exceed $3,000.00, and authorizing the Mayor and City Clerk to execute said document.</u>

Nichols/Feuss
to approve the resolution. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-221.

<u>Resolution approving a Right of Entry and Hold Harmless Agreement with the Cedar Valley Soccer Club for earth moving activities at the southeast corner of Ansborough Avenue and Highway 20, and authorizing the Mayor and City Clerk to execute said document.</u>

Nichols/Feuss
to approve the resolution. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-222.

<u>Resolution approving a Temporary Construction Easement Agreement in the amount of $26.08, Permanent Easement Agreement for $105.30, and $500.00 for the removal of trees for a total of $631.38, with David J. White and Susan Vaala, related to the Titus Lift Station and Force Main, located at 1646 Burton Avenue, and authorizing Mayor and City Clerk to execute said</u>

documents.

Chiles//Grieder
to approve the resolution. Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-223.

Resolution approving a Temporary Construction Easement Agreement in the amount of $99.54, Permanent Easement Agreement for $1,156.21 and $1,000.00 for the removal of trees, for a total of $2,255.75, with Laverne F. Sommerfelt and Shirley Sommerfelt, related to the Titus Lift Station and Force Main, located at 351 Thorson Avenue, and authorizing Mayor and City Clerk to execute said documents.

Chiles//Grieder
to approve the resolution. Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-224.

ORDINANCES

Amendment to the noise variance ordinance.

Grieder/Feuss
to receive, file, consider, and pass for the third time and adopt said ordinance. Voice vote-Ayes: Five. Nays: One (Boesen). Motion Carried. Ordinance adopted and upon approval by Mayor assigned No. 5692.

An ordinance amending Subsection G of the Automated Traffic Enforcement Ordinance.

Feuss/Chiles
to receive, file, consider, and pass for the second time, an ordinance amending the City of Waterloo Code of Ordinances by amending Subsection G, Failure to Timely Pay, of Section 4, Automated Traffic Enforcement, Chapter 1, Traffic Code, Title 6, Motor Vehicles and Traffic. Roll Call vote-Ayes: Six. Motion Carried.

Feuss/Chiles
to suspend the rules. Roll Call vote-Ayes: Five. Nays: One. (Creighton-Smith). Motion failed.

ADJOURNMENT

Feuss/Boesen
that the Council adjourn at 7:36 p.m. Voice vote-Ayes: Six. Motion carried.

Kelley Felchle
City Clerk