THE CITY COUNCIL OF WATERLOO, IOWA
REGULAR SESSION TO BE HELD AT
Harold E. Getty Council Chambers
Monday, April 17, 2023
5:30 PM

CITY OF WATERLOO
COMMUNITY VISION PLAN

1. Fly the W: To develop a sense of pride and relationship between residents and the City of Waterloo, and then leverage that pride to communicate the City's attributes to external audiences.
2. Elevate Housing: Redevelop, renovate, or improve 800 residences in Waterloo in eight years by providing access to capital.
3. Celebrate and Connect Neighborhoods: To leverage Waterloo's rich tradition of neighborhoods by celebrating and connecting them with the community and region at large.
4. Waterloo Works: Grow a diverse and skilled workforce in Waterloo that connects people and employers for mutual growth.
5. Crossroads Doubledown: Re-energize Crossroads Mall area into a sports/recreation themed gravitational center.
6. Power Up Downtown: Keep Waterloos core downtown evolving to meet the needs of future generals, supporting and showcasing arts and cultural opportunities and creating an experience like no other.
7. Sportstown USA: To generate excitement, develop youth, and drive investment and economic impact from year-round visitors.
8. Community of Opportunity: Eliminate barriers that keep Waterloo residents, and the community as a whole, from reaching its true potential, creating an equitable, thriving, and sustainable community for future generations.

Waterloo is a Community of Opportunity, where everyone can prosper.

<u>GENERAL RULES FOR PUBLIC PARTICIPATION REGULAR SESSION AGENDA</u>

A. Iowa Code Chapter 21 gives the public the right to attend council meetings, but it does not require cities to allow public participation except during public hearings. The public is required to follow the rules listed in this article when speaking during any meeting of the city council.

B. At the presiding officer's discretion, individuals may address the presiding officer by stepping to the podium, and after recognition by the presiding officer, shall state their name, address and group affiliation, if appropriate, and speak clearly into the microphone.

C. Comments shall be germane and refrain from personal, impertinent, or slanderous remarks.

D. Cell phones and electronic devices shall be set to silent prior to the start of the meeting.

RULES FOR PUBLIC COMMENT SECTION OF THE AGENDA

A. Individuals shall speak one (1) time on only one (1) issue for a maximum of three (3) minutes During the public comment section of the agenda. The public shall not be required to pre-register to speak during public comment. Individuals shall only speak on matters not listed on the regular agenda for that date. Any matter presented shall be directed to the presiding officer and addressed, if necessary, after the meeting.

B. Council members may speak during public comment portion of the agenda after the public has finished speaking

C. City staff shall not be required to provide an immediate answer to a matter presented during a council meeting unless it specifically pertains to an item on the agenda

RULES FOR PUBLIC COMMENT DURING PUBLIC HEARINGS

Individuals may speak during the public comment portion of a scheduled public hearing for a maximum of three (3) minutes or may submit written comments to the city clerk by four o'clock (4:00) P.M. on the day of the public hearing. Groups of citizens with similar viewpoints are encouraged to select a representative to share the viewpoint of the group.

RULES FOR PUBLIC COMMENT DURING AGENDA ITEMS

At the discretion of the presiding officer, individuals may speak for a maximum of three (3) minutes when the council discusses agenda items. This section does not apply to businesses or parties directly involved in agenda items.

Roll Call.

Prayer or Moment of Silence.

Pledge of Allegiance - John Chiles, Ward 1 Council Member.

Approval of Agenda as proposed or amended.

Minutes of April 4, 2023, Regular Session, as proposed.

Proclamation declaring April 23-29, 2023 as Arbor Week.

Proclamation declaring April 23-29, 2023 as National Library Week.

PUBLIC COMMENTS

Iowa Code Chapter 21 gives the public the right to attend council meetings but it does not require cities to allow public participation except during public hearings. The City of Waterloo encourages the public to participate during the Oral Presentations by following the rules listed on the front of the agenda.

CONSENT AGENDA

The consent agenda is reserved for routine resolutions and motions, acted upon by roll call vote on a single motion without discussion. Council shall either vote yea or nay when the roll is called. Council members may request that an item be removed from the consent agenda and considered separately. Such a request does not require a second. The public shall be prohibited from requesting that items listed on the consent agenda be removed and considered separately. The public may contact council members with questions regarding consent agenda items. 1-4A-16(A)(8).

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

2. Resolution approving request to seek proposals for auditing services.

3. Resolution approving naming financial institution depositories for the City of Waterloo, Iowa, and rescinding Resolution No. 2023-103.

4. Resolution approving the cancellation of assessments for properties listed on Exhibit A, and authorize City Clerk to notify Black Hawk County Treasurer of said cancellation.

5. Resolution approving request of Roger Wooden for a waiver for a concrete driveway, located at 1421 Denver Street, with the elimination of the sidewalk section due to inability to meet grade requirements.

6. Resolution approving the request by Jeremy and Cindy Ott, for tax exemptions on the construction of a new single family home valued at $345,000.00, for property located at 906 Bishop Avenue and located in the Consolidated Urban Revitalization Area (CURA).

7. Resolution setting date of public hearing as May 1, 2023, for the sale and conveyance of City-owned property in the amount of $1.00 to DMJ Development, LLC, for the construction of a 14,000 square foot trucking terminal with a future 21,000 square foot expansion, with a minimum assessed value of $1,400,000.00, located east of 115 Warp Drive, including a Development Agreement with rebate schedule of 75 percent for years one through three, 70 percent for years four and five, and 50 percent for years six through ten, and Minimum Assessment Agreement, and instruct the City Clerk to publish notice.

8. Resolution setting date of public hearing as May 1, 2023, to approve a request by by Magnum Trucking, for a Site Plan Amendment to the “M-2,P” Planned Industrial District to construct a 14,000 square foot trucking terminal and a future 21,000 square foot expansion, located east of 115 Warp Drive, and instruct the City Clerk to publish notice.

9. 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 Asbestos Abatement Services, Contract No. AB-2023-05-01P, for property located at 123 E. Parker Street, former Saint Mary's Villa, and instruct the City Clerk to publish notice.

10. Resolution approving preliminary plans, specifications, form of contract, etc., resetting 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, and rescinding Resolution No. 2023-125.

11. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as May 11, 2023, and date of public hearing as May 15, 2023, in conjunction with the FY 2023 E. San Marnan Drive Reconstruction Project, Contract No. 1084, and direct City Clerk to publish said notice.

12. Resolution rejecting the bid of Aspro, Inc., of Waterloo, Iowa, in the amount of $7,429,551.98, in conjunction with FY 2023 Broadway Street and E. San Marnan Drive Reconstruction Project, Contract No. 1072.

13. Airport Board minutes of February 15, 2023.

14. Board of Adjustment minutes of February 28, 2023.

15. Complete Streets Committee minutes of February 28, 2023.

16. Historic Preservation Commission minutes of February 21, 2023.

17. Waterloo Housing Authority board minutes of March 20, 2023.

18. <u>Liquor Licenses</u>

    a. Landmark Commons, 1400 Maxhelen Blvd., Class F Alcohol w/Outdoor Service/Sunday Sales/Living Quarters, Renewal - Exp: 8/31/2023.
    b. Prime Mart 7, 1309 Lafayette St., Class E Alcohol w/Sunday Sales, Renewal - Exp: 4/30/2024.
    c. S.A.C.'s Neighborhood Pub, 2000 Hawthorne Ave., Class C Alcohol w/Outdoor Service/Sunday Sales, Renewal - Exp: 1/31/2024.

19. **Sulejman Dizdarevic**
    Board/Commission: Human Rights Commission
    Expiration Date: 4/17/2026
    New Appointment

20. Motion to receive the City of Waterloo Annual Comprehensive Financial Report for the fiscal year ended June 30, 2022, and place on file.

21. Motion to approve the recommendation of the appointment of Emily Hansen from the current Civil Service List to the position of Laboratory Technician in the Lab Department at Waste Management Services Department, effective April 18th, 2023, pending pre-

employment physical and drug testing.

22. Motion to approve the recommendation of the appointment of Cody Wilson from the current Civil Service List, to the position of Airport Operations Specialist for the Waterloo Regional Airport, effective May 1, 2023, pending pre-employment physical, drug testing and background check.

23. Motion approving recommendation of appointment of Jonathan Wilson to the position of Solid Waste Technician in the Public Works Sanitation Department, effective April 18, 2023 pending pre-employment physical and drug testing.

24. Communication from the Central Garage Department on the notice of the conclusion of employment of Austin Howe, Mechanic, effective April 4, 2023, with recommendation of approval of payout of $1,000.40 for unused benefits.

25. Communication from the Planning and Zoning Department on the notice of conclusion of employment of Patricia Magee, Administrative Secretary, effective March 31, 2023, with recommendation of approval of payout of $8,101.38 for unused benefits.

26. Communication from the Police Department on the notice of the conclusion of employment of Keith Rogers, Police Lieutenant, effective April 1, 2023, with recommendation of approval of payout of $25,143.94 for unused benefits.

27. Communication from the Code Enforcement Department on the notice of the conclusion of employment of Emily Russell, Clerk II, effective March 28, 2023, with recommendation of approval of payout of $715.20 for unused benefits.

PUBLIC HEARINGS

1. **FY2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1080.**

   The public hearing is cancelled and rescheduled to May 1, 2023.

   Submitted by: Kelley Felchle, City Clerk

2. **Airline Passenger Terminal Building - HVAC Controls Project.**

   Motion to receive and file proof of publication of notice of public hearing.
   HOLD HEARING - No comments on file.
   Motion to close the hearing and receive and file oral and written comments.
   Resolution confirming approval of plans, specifications, form of contract, and authorizing to proceed.
   Motion to receive, file, and instruct the City Clerk to read the bids.
   Resolution awarding bid to FM Controls, Inc. of Fort Dodge, Iowa, in the amount of $ 122,390.00, approving the contract, bonds, and certificate of insurance, in conjunction with the Airline Passenger Terminal Building - HVAC controls project at the Waterloo Regional Airport - Federal Aviation Administration - Airport Improvement Program, Project No. 3-19-0094-0054 CARES Development, and authorizing the Mayor and City Clerk to execute said documents.

   Submitted by: Keith Kaspari, Director

3. **FY 2023 Waste Water Treatment Plant Lift Stations Mowing Contract.**

   Motion to receive and file proof of publication of notice of public hearing.
   HOLD HEARING - No comments on file.
   Motion to close the hearing and receive and file oral and written comments.
   Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed.
   Motion to receive, file, and instruct the City Clerk to read the bids.
   Resolution approving award of bid to Wilson Custom Tree Service of Cresco, Iowa, per year Mowing/Weed Control Option A: $15,920.00/$5,190.00, Option B: $5,520.00/$790.00, Option C: $2,880.00/$900.00 and Option D: $5,100.00, approving the contract, bonds, and certificate of insurance, in conjunction with the FY2023 Waste Water Treatment Plant Lift Stations Mowing Contract, and authorizing the Mayor to execute said documents.

   Submitted by: Brian Bowman, Treatment Operations Supervisor

4. **FY 2024 Complaint Mowing with Complaint Snow Removal Contract.**

   Motion to receive and file proof of publication of notice of public hearing.
   HOLD HEARING - No Comments on file.
   Motion to close hearing and receive and file oral and written comments.
   Resolution confirming approval of plans, specifications, form of contract, etc., and authorizing to proceed.
   Motion to receive, file and instruct City Clerk to read bids.
   Resolution approving award of bids to P & J Lawn Care of Waterloo, Iowa, Option A $1,500.00, Option B $1,500.00 per occurrence, and to B & B Lawn Care, Inc., of Waterloo, Iowa, Option C $74.49, and Option D $149.79 per man hour, approving the contracts, bonds, and certificates of insurance, in conjunction with the FY 2024 Complaint Mowing with Complaint Snow Removal Contracts, and authorizing the Mayor and City Clerk to execute said documents.

   Submitted by: Martin Petersen, City Attorney

5. **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.**

   Motion to receive and file proof of publication of notice of public hearing.
   HOLD HEARING - No comments on file.
   Motion to close public hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.
   Motion 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 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.
   Motion to suspend the rules.
   Motion to consider and pass for the second and third times and adopt ordinance.

   Submitted by: Noel Anderson, Director

6. **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.**

   Motion to receive and file proof of publication of notice of public hearing.
   HOLD HEARING - No comments on file.
   Motion to close hearing and receive and file oral and written comments.
   Resolution approving the sale and conveyance of City-owned property to Baltimore Fields, LLC, in the amount of $1.00, for the construction of eighteen (18) single-family dwellings, and authorizing the Mayor and City Clerk to execute said documents.
   Resolution approving a development agreement with Baltimore Fields, LLC, for the construction of eighteen (18) single-family dwellings, with infill housing incentives of a $5,000.00 grant upon the completion of each dwelling, of up to $90,000.00, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Noel Anderson, Director

7. **Request by Uniti Dark Fiber, LLC, to sell and convey approximately 0.340 acres of city-owned property located north of 2365 Northeast Drive, in the amount of $40,000.00, for the construction of a telecommunications facility, and approving the Purchase Agreement.**

   Motion to receive and file proof of publication of notice of public hearing.
   HOLD HEARING - No comments on file.
   Motion to close hearing and receive and file oral and written comments.
   Resolution approving the sale and conveyance of city-owned property, north of 2365 Northeast Drive, in the amount of $40,000.00, and authorizing the Mayor and City Clerk to execute said documents.
   Resolution approving a Purchase Agreement between Uniti Dark Fiber, LLC, and the City of Waterloo for the purchase of city-owned property located north of 2365 Northeast Drive, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Noel Anderson, Director

8. **Sale and conveyance of city-owned property, in the amount of $1.00 to 3 Stooges, LLC, for the construction of a 50,000 square foot warehouse with a future 9,000 square foot expansion, with a minimum assessed value of $1,800,000.00, located at the southeast corner of Leversee Road and Hyper Drive, including Minimum Assessment and Development Agreements with tax rebates of five (5) years at fifty percent.**

   Motion to receive and file proof of publication of notice of public hearing.
   HOLD HEARING - No comments on file.
   Motion to close hearing and receive and file oral and written comments.
   Resolution approving the sale and conveyance of city-owned property located at the southeast corner of Leversee Road and Hyper Drive, to 3 Stooges LLC, in the amount of $1.00 and authorizing the Mayor and City Clerk to execute said documents.
   Resolution approving a Development and Minimum Assessment Agreement with 3 Stooges, LLC, for the construction of a new 50,000 square foot warehouse and future 9,000 square foot addition, with a minimum assessed value of $1,800,00.00 and tax rebates of five (5) years at fifty percent, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Director

9. **Sale and conveyance of a vacant lot located northeast of 1522 W. 4th Street to Iowa Heartland Habitat for Humanity, in the amount of $1.00, with a Development Agreement and a grant of $5,000.00 for infill housing development.**

   Motion to receive and file proof of publication of notice of public hearing.
   HOLD HEARING - No comments on file.
   Motion to close hearing and receive and file oral and written comments.
   Resolution authorizing the sale and conveyance of city-owned property located northeast of 1522 W. 4th Street, in the amount of $1.00 to Iowa Heartland Habitat for Humanity, and authorizing the Mayor and City Clerk to execute said documents.
   Resolution approving a Development Agreement with Iowa Heartland Habitat for Humanity for the construction of a single-family home, with a $5,000.00 infill housing grant, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Noel Anderson, Director

<u>RESOLUTIONS</u>

1. Resolution approving the Participating Entity Addendum and Agreement with U.S. Bank for the purpose of making available a Corporate Card, Purchase Card, and/or One Card Program, and authorizing the Mayor to execute said document.

   Submitted by: Bridgett Wood, Finance Manager

2. Resolution approving changes to the Purchasing Policy, effective April 18, 2023.

   Submitted by: Bridgett Wood, Finance Manager

3. Resolution approving the award of hotel/motel tax council discretionary funds to the North End Arts and Music Fest in the amount of $5,000.00.

   Submitted by: Bridgett Wood, Finance Manager

4. Resolution approving the Real Estate Purchase Agreement with Operation Threshold for the City's acquisition of a vacant lot located east of 307 Gable Street, in the amount of $3,860.00 plus up to $1,000.00 in closing costs, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Noel Anderson, Director

5. Resolution approving an Acquisition Contract to acquire 12.5 square feet of right-of-way, in the amount of $1,000.00 and up to $1,000.00 in closing costs, and a Temporary Easement Agreement on 817 square feet, with Jipson Enterprises LLC, located at 1111 South Street, in conjunction with the South Street and W. 9th Street Roundabout Construction Project, and authorizing the Mayor and City Clerk to execute said documents.

   Submitted by: Noel Anderson, Director

6. Resolution approving a Temporary Easement Agreement with George and Carol Clark, in the amount of $133.44, for 556 square feet, located at 1026 South Street, in conjunction with the South Street and W. 9th Street Roundabout Construction Project, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Director

7. Resolution approving an Early Access Agreement with DMJ Development, LLC, to allow development activities, including earth moving and construction of a foundation on Lot 5, and access to Lot 6 and Tract "B", all in the Waterloo Air and Rail Park 3rd Addition, and authorizing the Mayor and City Clerk to execute said document.

   Submitted by: Noel Anderson, Director

8. Resolution approving a request by Hurst Holdings, Inc., for the Preliminary Plat of Tower Park No. 7, a six-lot commercial subdivision located in the “B-P” Business Park District and “C-P” Planned Commercial District located south of 4041 Hurst Drive.

   Submitted by: Noel Anderson, Director

9. Resolution approving a development agreement with Cedar Crossing Storage, LLC, for the construction of a new self-storage facility consisting of no less than 28,276 square feet, and future expansion with a minimum assessed value of $1,680,000.00 for the first phase, located east of 3530 Marnie Avenue, including Minimum Assessment and Development Agreements with a rebate of 90 percent for years one through ten, 85 percent for year eleven, and 60 percent for years twelve through fourteen, and authorizing the Mayor and City Clerk to execute said documents.

   Submitted by: Noel Anderson, Director

10. Resolution to amend a real estate purchase agreement with Union at North Crossing, LP, for the construction of a 180-unit multi-family development with a minimum assessed value of $5,000,000.00, located at 3330 East 4th Street and 151, 153 and 155 Mission Circle, including Minimum Assessment Agreement and property tax rebates of 0 percent for years one through four, 40 percent for years five through seven, and 50 percent for years eight through nine, and 60 percent for years ten through eleven, authorizing the Mayor and City Clerk to execute said documents, and rescinding Resolution No. 2022-517 in its entirety.

    Submitted by: Noel Anderson, Director

ORDINANCES

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

   Motion to receive, file, consider, and pass for the third time and adopt said ordinance.

   Submitted by: Martin Petersen, City Attorney

ADJOURNMENT

Motion to adjourn.

EXECUTIVE SESSION

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

Kelley Felchle
City Clerk