



**THE City Council OF WATERLOO, IOWA
Regular Session TO BE HELD AT
Harold E. Getty Council Chambers
Monday, May 1, 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.

GENERAL RULES FOR PUBLIC PARTICIPATION REGULAR SESSION AGENDA

- 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 - Kelley Felchle, City Clerk

Approval of Agenda as proposed or amended.

Approval of Minutes of April 17, 2023, Regular Session as proposed.

Approval of Minutes of April 18, 2023, Special Session as proposed.

Proclamation declaring May 7-13, 2023 as World Migratory Bird Week.

Proclamation declaring May 6, 2023 as Downtown Waterloo Urban Farmers Market Opening Day.

Proclamation declaring April 28, 2023 as Exchange Club Day.

Proclamation declaring the month of May as Historic Preservation Month.

Life Saving Award For Sergeant's Matthew Woodward, Matthew Wertz and Officers Admir Babic, Lea Montalvo, Alex Bovy and Luke Lamere.

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 setting date of public hearing as May 15, 2023, for an amendment to the FYE 2023 Budget, and direct the City Clerk to publish notice.
3. Resolution approving the request by Dieu Israel Kabangu, for tax exemptions on the construction of a new single family home valued at \$210,000.00, for property located at 514 Johnson Street and located in the Consolidated Urban Revitalization Area (CURA).
4. Resolution approving the request by Robin Rae, for tax exemptions on the construction of a new commercial building valued at \$171,608.00, for property located at 2122 Hawthorne Avenue and located in the Consolidated Urban Revitalization Area (CURA).
5. Resolution approving the request of Robin Baldwin, for a waiver for a concrete driveway, located at 4235 Chico Drive, and authorizing the construction of a concrete driveway and placing a driveway or sidewalk on the city right-of-way on an unimproved street.
6. Resolution approving the request of Tyler McCormack for a waiver for a concrete driveway, located at 307 W. Orange Road, with the elimination of the sidewalk section due to inability to meet grade requirements.
7. Resolution approving the request of Reilly Benedict for a waiver for a concrete driveway,

located at 225 Lichty Blvd., with the elimination of the sidewalk section due to inability to meet grade requirements.

8. Resolution approving request of Katezza Phillips for a waiver for a concrete driveway, located at 307 Euclid Street, with the elimination of the sidewalk section due to inability to meet grade requirements.
9. Resolution setting date of public hearing as May 15, 2023, to approve the request by the City of Waterloo to vacate approximately 0.8 acres of University Avenue frontage road located near University Avenue and Progress Avenue, subject to the retention of a public and private utility easement on, above and under the vacated area, in front of the former K-mart site at 3810 University Avenue, and direct the City Clerk to publish notice.
10. Resolution setting date of public hearing as May 15, 2023, to approve the request by Nihad Masic to vacate, sell, and convey approximately 1,428 square feet of city-owned right-of-way subject to the retention of a public utility easement, in the "M-1" Light Industrial District located southeast of 312 Kothe Avenue, to Nihad Masic in the amount of \$700.00, and Alyssa Roney in the amount of \$272.00, and direct the City Clerk to publish notice.
11. Resolution setting date of public hearing as May 15, 2023, to approve the request by Raymond Shepard to vacate, sell, and convey approximately 9,560 square feet of city-owned right-of-way in the "R-2" One and Two Family Residence District located north of 108 Bishop Avenue, to Raymond Shepard and Kenneth Cox in the amount of \$2,000.00, Connie Johnson in the amount of \$500.00, and Ryan and Kali Wilkinson in the amount of \$500.00, and direct the City Clerk to publish notice.
12. Resolution setting date of public hearing as May 15, 2023, for the sale and conveyance of City property located near 3840 University Avenue in the amount of \$1.00, and to approve a phased Development Agreement with Mann Road Storage, LLC, for the redevelopment of 2810 and 3840 University Avenue, with a minimum assessment agreement of \$4,561,900.00, for the construction of climate-controlled storage units and a mixed-use commercial building, with a tax rebate schedule of ten (10) years at 50 percent, and direct the City Clerk to publish notice.
13. Resolution setting date of public hearing date as May 15, 2023, to approve the request by Iowa Heartland Habitat for Humanity to locally designate 415 Walnut Street as a Historic Landmark, and direct the City Clerk to publish notice.
14. Resolution setting date of public hearing as May 15, 2023, to approve the request for an Infrastructure Development Agreement with North Crossing, LLC, for the master buildout of North Crossing retail and medical district with a land exchange, and authorizing the sale and conveyance of City owned property, and instruct City Clerk to publish notice.

Submitted by: Noel Anderson, Director

15. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as May 25, 2023, and date of public hearing as June 5, 2023, in conjunction with the Street Department Seal Coat Program, and direct the City Clerk to publish said notice.

16. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as May 25, 2023, and date of public hearing as June 5, 2023, in conjunction with the FY 2023 Greenbelt Lake REAP Grant Phase II, Contract No. 1085, and direct the City Clerk to publish notice.
17. Resolution resetting the date of bid opening as May 11, 2023, and date of public hearing as May 15, 2023, in conjunction with the FY 2023 Gates Park Improvements, Contract No. 1076, and direct the City Clerk to publish notice.
18. Leisure Services Commission board minutes of March 14, 2023.
19. Planning, Programming and Zoning Commission minutes of March 14, 2023.
20. **Steven Hostetler**
Board/Commission: Housing Appeals Board
Expiration Date: May 1, 2026
Renewal
21. **Todd Eastman**
Board/Commission: Housing Appeals Board
Expiration Date: May 1, 2026
Renewal
22. **LaTonya Stokes**
Board/Commission: Housing Appeals Board
Expiration Date: May 1, 2026
Renewal
23. **Kenny Williams**
Board/Commission: Housing Appeals Board
Expiration Date: May 1, 2026
Renewal
24. **Mark Pregler**
Board/Commission: Housing Appeals Board
Expiration Date: May 1, 2026
Renewal
25. **Amy Wienands**
Board/Commission: Telecommunications
Expiration Date: May 1, 2029
New
26. Liquor Licenses
 1. Amigo Mexican Restaurant, 1415 E. San Marnan Dr., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 2/29/2024.
 2. Ari'z, 504 Sycamore St., Class A Alcohol w/Catering and Sunday Sales, Renewal – Exp: 11/18/2023.
 3. Half Pint Saloon, 1831 Independence Ave., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal – Exp: 4/18/2024.
 4. Jim Lind Service, 230 E. Ridgeway Ave., Class B Alcohol w/Sunday Sales, Renewal –

Exp: 4/7/2024.

5. La Michuacana, 1221 Franklin St., Class C Alcohol w/Sunday Sales, Renewal – Exp: 3/26/2024.

6. Kwik Stop 4, 515 Broadway St., Class E Alcohol w/Sunday Sale, Renewal – Exp: 5/7/2024.

7. Lost Island Theme Park, 2600 E. Shaulis Rd., Class C Alcohol w/Outdoor Service and Sunday Sales, New – Exp: 12/23/2023.

8. Your Pie, 126 E. Ridgeway Ave., Special Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal – Exp: 4/5/2024.

9. Lost Island Waterpark, 2225 E. Shaulis Rd., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 1/12/2024.

10. Mersim's Kitchen, 126 E. Ridgeway Ave, Suite A, Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 4/15/2024.

11. Smitty's Bar, 709 Jefferson St., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 4/26/2024.

27. Motion approving Change Order No. 4 with Lodge Construction, Inc., of Clarksville, Iowa, for a net increase of \$66,570.00, in conjunction with the FY 2021 Westdale Bioswale, Contract No. 997, and authorizing the Mayor and City Clerk to execute said document.

28. Motion to approve recommendation of appointment of Emily Seliga to the position of Administrative Secretary in the Community Planning and Development Department effective May 15, 2023.

29. Communication from the Police Department on the notice of the conclusion of employment of Dejana VanGundy, Records Clerk, effective March 31, 2023, with recommendation of approval of payout of \$562.12 for unused benefits.

30. Theater License

1. Fantasy Theater, 1850 W. Airline Highway

2. Romeo and Juliets, 315 E. 4th Street

3. Romantix Adult Emporium, 1507 LaPorte Road

4. Marcus Midwest, LLC, 2450 Crossroads Blvd.

31. Cigarette/Tobacco Permit New Application for Greenleaf Tobacco & Vape, 2313 Logan Avenue.

32. Bonds.

PUBLIC HEARINGS

1. FY 2023 Gates Park Improvements, Contract No. 1076.

Public Hearing canceled and rescheduled to a future date.

Submitted by: Travis Nichols, Facilities/Project Manager

2. FY 2024 Levee Rip Rap Spraying, Contract No. 1083.

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 and refer to the City Engineer for review.

Submitted by: Wayne Castle, PLS, PE, Associate Engineer

3. FY 2024 Sidewalk Inspection and Repair Program - Zone 3.

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 proposed repairs to sidewalk.

Resolution adopting Proposed Resolution of Necessity, as proposed or amended.

Submitted by: Oumie Ceesay

4. FY 2023 Fiber-to-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1080.

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, specification, form of contract, etc., and authorizing to proceed.

Motion to receive, file and instruct the City Clerk to read bids, and refer to the Consultant for review.

Submitted by: Kelley Felchle, City Clerk

5. Asbestos Abatement Services Contract No. AB-2023-05-01P, for property located at 123 E. Parker Street, former Saint Mary's Villa.

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 the City Clerk to read bids, and refer to the Community Planning and Development Director for review.

Submitted by: Noel Anderson, Director

6. Sale and conveyance of City-owned property in the amount of \$1.00 to DMJ Development, LLC, and approving a Development and Minimum Assessment Agreement for the construction of a 14,000-square-foot trucking terminal with future 21,000-square-foot expansion.

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 east of 115 Warp Drive, to DMJ Development, 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 DMJ Development, LLC, for the construction of a new 14,000 square foot truck terminal with a future 21,000 square foot industrial building expansion, with a minimum assessed value of \$1,400,000.00 and 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 authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Director

7. Request 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.

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 and recommendation of approval of Planning, Programming and Zoning Commission.

Motion to receive, file, consider, and pass for the first time an Ordinance amending Ordinance No. 5079, as amended, City of Waterloo Zoning Ordinance, by amending the Official Zoning Map referred to in Section 10-4-4, to approve a request by the 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.

Motion to suspend the rules.

Motion to consider and pass for the second and third times and adopt said ordinance.

Submitted by: Noel Anderson, Director

RESOLUTIONS

1. Resolution approving the Professional Services Agreement with Gov HR, USA, for a Compensation and Classification Study for non-bargaining employees, in an amount not to exceed, \$28,500.00, and authorizing the Mayor to execute said document.

Submitted by: Lance Dunn, Director

2. Resolution approving award of bid to Trane U.S. Inc., of Clive, Iowa, in the amount of \$626,245.00, approving the contract, bond, and certificate of insurance, in conjunction with the Trane Temperature Controls Update of all city buildings, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Greg Ahlhelm, Building Official

3. Resolution approving construction plans for grading, paving, and utilities serving the San Marnan Business Park Addition, as submitted by the Clapsaddle-Garber Associates, Inc., Sewage Treatment Agreement, DNR Form 29 (Nov 00) with the Department of Natural Resources, and final acceptance of construction plans subject to the review and acceptance by the Department of Natural Resources, and authorizing the Mayor to execute said documents.

Submitted by: Dennis Gentz, Assistant City Engineer

4. Resolution approving a Cooperative Agreement with the Iowa Department of

Transportation, in the amount of \$11,970.00, in conjunction with the FY 2021 Highway 63 Enhancements from Washington Street to Parker Street, Contract No. 1029, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Jamie Knutson, City Engineer

5. Resolution approving an Administrative Services Agreement with the Iowa Northland Regional Council of Governments, in an amount not to exceed \$30,000.00, in conjunction with the Waterloo EDA Fiber Optic Grant, and authorizing the Mayor to execute said document.

Submitted by: Jamie Knutson, City Engineer

6. Resolution approving Addendum No. 7 to the Professional Services Agreement with Robinson Engineering Company, of Independence, Iowa, originally executed July 30, 2018, in an amount not to exceed \$20,930.00, in conjunction with the Westdale Subdivision Swale Design, and authorizing the Mayor to execute said document.

Submitted by: Wayne Castle, PLS, PE, Associate Engineer

7. Resolution approving the renewal of a three-year software contract with Fifth Asset, Inc., DBA DebtBook, for the purpose of debt management, lease management, and subscription management, and authorizing the Finance Manager to execute said document.

Submitted by: Bridgett Wood, Finance Manager

8. Resolution appointing UMB Bank, N.A. of West Des Moines, Iowa, to serve as Paying Agent, Bond Registrar, and Transfer Agent, approving the Paying Agent and Bond Registrar and Transfer Agent Agreement, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Bridgett Wood, Finance Manager

9. Resolution authorizing and providing for the issuance of \$6,000,000.00 General Obligation Bonds, Series 2023A, and levying a tax to pay said bonds; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Bridgett Wood, Finance Manager

10. Resolution approving a Professional Services Agreement with AECOM Technical Services, Inc., in an amount not to exceed \$423,000.00, for project administration and inspection services associated with the Waterloo Regional Airport Pavement Rehabilitation of Taxiway Alpha East, Taxiway Echo, and Runway 12/30 and the Pavement Reconstruction of Taxiway Alpha West, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Keith Kaspari, Director

11. Resolution approving award of hotel/motel tax council discretionary funds to Waterloo Leisure Services in the amount of \$30,000.00 for the USDA Bird Relocation Project.

Submitted by: Bridgett Wood, Finance Manager

12. Resolution approving the request by CJ's Construction, Inc., on behalf of Hope M. Anderson for the Final Plat of Paradise Estates First Addition, a 64-lot residential subdivision zoned "R-1" One and Two Family Residence District located north of 5643 Kimball Avenue.

Submitted by: Noel Anderson, Director

13. Resolution approving the Refundable Advance for Construction Electrical Service Extension Proposal, in the amount of \$18,594.73, for Speculative Use with MidAmerican Energy, for the construction and provision of electric lines along Warp Drive, in conjunction with the Waterloo Air and Rail Park Project, and authorizing the Mayor to execute said document.

Submitted by: Noel Anderson, Director

14. Resolution approving eleven (11) FY 2024 Quarter 1 and Quarter 2 Hotel-Motel Event Grant requests, in a total amount of \$184,000.00, as recommended by the Waterloo Convention and Visitors Bureau Board of Directors.

Submitted by: Tavis Hall, Executive Director

15. Resolution approving four (4) FY 2024 Quarter 1 and Quarter 2 Mini event grants, in the amount of \$10,200.00, as recommended by the Waterloo Convention and Visitors Bureau Board of Directors.

Submitted by: Tavis Hall, Executive Director

ORDINANCES

1. **An ordinance enacting a new youth mental health protection.**

Motion to receive, file, consider, and pass for the second time an ordinance amending the City of Waterloo Code of Ordinances by enacting a new Chapter 12, Youth Mental Health Protection, of Title 3, Business and License Regulation.

Motion to suspend the rules.

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

ADJOURNMENT

Motion to adjourn.

Kelley Felchle
City Clerk