



**THE CITY COUNCIL OF WATERLOO, IOWA
Regular Session TO BE HELD AT
Harold E. Getty Council Chambers
Monday, May 15, 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, Ray Feuss, Ward 5 Council Member.

Approval of Agenda as proposed or amended.

Approval of Minutes of April 28, 2023, Special Session as proposed.

Approval of Minutes of May 1, 2023, Regular Session, as proposed.

Proclamation declaring May 14-20, 2023 as Emergency Medical Services Week.

Proclamation declaring May 15-21, 2023, as National Police Week.

Proclamation declaring May 17, 2023, as World Neurofibromatosis Day.

Proclamation declaring May 21-27, 2023 as National Public Works 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 setting date of public hearing as June 5, 2023, for the sale and conveyance of City property located at 217 Reed Street, in the amount of \$11,000, to Kevin E. Roase and Michelle L. Rose, with a development agreement, and instruct the City Clerk to publish notice.
3. Resolution approving support for submission of Intended Use Plan for CIPP Phase IVB, and authorizing the Mayor to execute said document.
4. Resolution approving request of Zach Buchheit for a waiver for a concrete driveway, located at 800 W. Parker Street, with the elimination of the sidewalk section due to inability to meet grade requirements.
5. Resolution approving request of Mark Badura for a waiver for a concrete driveway, located at 303 W. Orange Road, with the elimination of the sidewalk section due to inability to meet grade requirements.
6. Resolution approving award of bid to Landmark Turf Services, LLC, of Dunkerton, Iowa in the amount of \$48,142.00, and approving the contract, bonds, and certificate of insurance in conjunction with the FY 2024 Levee Rip Rap Spraying, Contract No. 1083, and authorizing the Mayor and City Clerk to execute said documents.
7. Resolution awarding bid to D. W. Zinser Co., Inc., in the amount of \$56,900.00, in conjunction with Demolition and Site Clearance Services, Contract No. D-2023-04-01P, located at 1100 Sycamore Street, approving the contract, bond and certificate of

insurance, and authorizing the Mayor and City Clerk to execute said documents.

8. Resolution approving submission of a U.S. Department of Transportation Safe Streets for All (SS4A) Grant in the amount of not to exceed \$10,000,000.00, for Development of a Comprehensive Safety Action Plan and committing to providing the required 20% local match and implementing the Action Plan with a target date of 2045 to achieve zero traffic fatalities and severe injuries.
9. Board of Adjustment Minutes of March 28, 2023.
10. **Michelle Weber**
Board/Commission: Design Review Board
Expiration Date: May 15, 2026
Renewal
11. **Terry Conrad**
Board/Commission: ADA Compliance
Expiration Date: May 15, 2026
Renewal
12. **William Kugler**
Board/Commission: General Contractor Board of Licensing, Examiners & Appeals
Expiration Date: May 15, 2026
Renewal
13. **Ross Samek**
Board/Commission: General Contractor Board of Licensing, Examiners & Appeals
Expiration Date: May 15, 2026
Renewal
14. **Deb Waterman**
Board/Commission: General Contractor Board of Licensing, Examiners & Appeals
Expiration Date: May 15, 2026
Renewal
15. **Dennis Wilson**
Board/Commission: General Contractor Board of Licensing, Examiners & Appeals
Expiration Date: May 15, 2026
Renewal
16. **Dionne Grabek**
Board/Commission: Housing Authority Board
Expiration Date: May 15, 2025
Renewal
17. Liquor Licenses
 - a. The Isle Casino Hotel Waterloo, 777 Isle of Capri Blvd., Class C Alcohol

- w/Outdoor Service and Sunday Sales, Renewal - Exp: 4/30/2024.
 - b. Riverloop Expo Plaza, 400 Jefferson St., Special Class C Alcohol w/Outdoor Service and Sunday Sales, New (8-month) - Exp: 1/15/2024.
 - c. Michoacana Meat Market, 1215 Franklin St., Class B Alcohol w/Sunday Sales, Renewal - Exp: 4/26/2024.
 - d. Steamboat Gardens, 1740 Falls Ave., Class C Alcohol w/Sunday Sales, Renewal - Exp: 6/13/2024.
 - e. Main Street Waterloo, 300 Jefferson St., Special Class C Alcohol w/Sunday Sales, New (5-day) - Exp: 5/22/2023.
 - f. Main Street Waterloo, 300 Jefferson St., Special Class C Alcohol w/Outdoor Service and Sunday Sales, New (5-day) - Exp: 5/26/2023.
18. Recommendation of appointment of Danielle DeNeui, from the current Civil Service list to the position of Stormwater Specialist in the Engineering Department, effective May 16, 2023.
19. Communication from the Community Development Department on the notice of the conclusion of employment of Matt Chesmore, Senior Rehabilitation Specialist, effective April 14, 2023, with a recommendation of approval of payout in the amount of \$6,231.34, for unused benefits.
20. Communication from the Community Development Department on the notice of the conclusion of employment of Pam Mast, Intake-Project Specialist, effective April 14, 2023, with a recommendation of approval of payout in the amount of \$609.00, for unused benefits.
21. Communication from the Airport Department on the notice of the conclusion of employment of Randy Shepard, Airport Operations Specialist, effective April 28, 2023, with recommendation of approval of payout of \$11,454.12 for unused benefits.
22. Communication from the Library Department on the notice of the conclusion of employment of Mimi Meyer, Library Aide, effective April 28, 2023, with recommendation of approval of payout of \$3,663.32 for unused benefits.
23. Motion to approve Application for Fireworks Display for the Waterloo Bucks Ball Club home ball games at Riverfront Stadium, 850 Park Road, for approximately 10 minutes, beginning at 10:00 p.m.
24. Recommendation of appointment of Tara Thomas Gettman to the position of Director of Strategic Communications in the Mayor's Department, effective May 16, 2023, pending pre-employment physical and drug testing.
25. Bonds.

PUBLIC HEARINGS

1. FYE 2023 Budget Amendment.

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 FYE 2023 Budget Amendment.

Submitted by: Bridgett Wood, Finance Manager

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

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 Leisure Services Director for review.

Submitted by: Travis Nichols, Facilities/Project Manager

3. Request by Iowa Heartland Habitat for Humanity to locally designate 415 Walnut Street as a Historic Landmark.

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 the Planning, Programming and Zoning Commission and the Historic Preservation Commission.

Motion to receive, file, consider, and pass for the first time an ordinance to locally designate 415 Walnut Street as a Historic Landmark.

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

4. City Limits Urban Revitalization Area (CLURA) Plan.

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 the Planning, Programming and Zoning Commission.

Submitted by: Noel Anderson, Director

5. 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 permanent public and private utility easement on, above, and under the vacated area, in front of the former K-mart site at 3810 University Avenue.

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 the Planning, Programming and Zoning Commission.

Motion to receive, file and consider and pass for the first time an ordinance approving a 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 permanent public and private utility easement on, above, and under the

vacated area, generally located in front of the former K-mart site at 3810 University Avenue.

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

6. 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.

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 the Planning, Programming and Zoning Commission.

Motion to receive, file and consider and pass for the first time an ordinance approving a request by Nihad Masic to vacate approximately 1,428 square feet of city-owned right-of-way, located southeast of 312 Kothe Avenue, subject to the retention of a permanent public utility easement over, under, across and upon the vacate area.

Motion to suspend the rules.

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

Resolution authorizing sale and conveyance of vacated alley southeast of 312 Kothe Avenue to Nihad Masic in the amount of \$700.00, and Alyssa Roney in the amount of \$272.00, subject to the retention of a permanent public utility easement over, under, across and upon the areas to be conveyed, and authorizing the Mayor and City Clerk to execute said deeds.

Submitted by: Noel Anderson, Director

7. 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.

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 the Planning, Programming and Zoning Commission.

Motion to receive, file and consider and pass for the first time an ordinance approving a request by Raymond Shepard to vacate 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, subject to the retention of a permanent public utility easement over, under, across and upon the East 25 feet thereof.

Motion to suspend the rules.

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

Resolution authorizing sale and conveyance of vacated alley 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, subject to the retention of a permanent public utility easement over, under, across and upon the East 25 feet thereof, and authorizing the Mayor and City Clerk to

execute said deeds.

Submitted by: Noel Anderson, Director

- 8. Sale and conveyance of City property located near 3840 University Avenue in the amount of \$1.00, with 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.**

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 right-of-way adjacent to 3840 University Avenue, subject to the retention of a public and private utility easement on, above and under the area to be conveyed, in the amount of \$1.00 to Mann Road Storage, LLC, and authorizing the Mayor and City Clerk to execute said documents.

Resolution approving a Development Agreement with Mann Road Storage, LLC for the redevelopment of property at 3840 University Avenue, with a minimum assessment agreement of \$4,561,900.00, and a tax rebate schedule of ten (10) years at 50 percent, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Director

- 9. Sale and conveyance of city-owned property, land exchange, and approval of an Infrastructure Development Agreement with North Crossing, LLC, for the master buildout of North Crossing retail and medical district.**

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 near the intersection of Heath Street and Logan Avenue (Highway 63), eastward to East 4th Street, and authorizing the Mayor and City Clerk to execute said documents.

Resolution approving an Infrastructure Development Agreement with North Crossing, LLC, for the master buildout of North Crossing retail and medical district with a land exchange located near the intersection of Heath Street and Logan Avenue (Highway 63), eastward to East 4th Street, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Director

- 10. FY 2023 E. San Marnan Drive Reconstruction Project, Contract No. 1084.**

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 Peterson Contractors, Inc. of Reinbeck, Iowa, in the amount of \$2,486,160.95, approving the contract, bonds, and certificate of insurance, in

conjunction with the FY 2023 E. San Marnan Drive Reconstruction Project, Contract No. 1084, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Dennis Gentz, Assistant City Engineer

RESOLUTIONS

1. Resolution approving a Renewal Agreement with Delta Dental for fees associated with administration, in the amount of \$36,574.00, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Lance Dunn, Director

2. Resolution approving a Renewal Agreement with Wellmark Blue Cross Blue Shield for fees associated with administration, network access, and stop loss, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Lance Dunn, Director

3. Resolution approving a Renewal Agreement with National Insurance Services for fees associated with life and long term disability policies, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Lance Dunn, Director

4. Resolution approving a farm lease agreement expiring December 31, 2023 with Michael Cook to farm approximately 3.65 acres of land at the southeast corner of Newell Street and Northeast Drive for \$80.00 per acre for a yearly rental payment of \$292.00, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Tim Andera, Economic Development Specialist

5. Resolution Approving Cloverdale Park Lease Agreement with Black Hawk County Board of Supervisors, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Paul Huting, Director

6. Resolution approving an agreement with USDA wildlife services to minimize wildlife-related property damage and risk to human health and safety, and authorizing the City Forester to execute said document.

Submitted by: Todd Derifield, Park Superintendent/City Forester

7. Resolution approving the request by 3-Stooges for an Encroachment Agreement to allow for the placement of a private storm sewer connection on the public right-of-way of Martin Road in the "M-2-P" Planned Industrial District, located in front of 1370 Martin Road, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Director

8. Resolution approving a contract with HRGreen to conduct a Phase I Environmental Site Assessment on four (4) parcels owned by Black Hawk Machinery Sales, Inc., generally located at or adjacent to 54 Lane Street, in an amount not to exceed \$3,900.00, and authorizing the Mayor to execute said document.

Submitted by: Noel Anderson, Director

9. Resolution approving an extension of a lease agreement with Aspro, Inc., for mining in the Riverview Recreation Area for another ten (10) years, at a rate of five (5) percent of Aspro's average net selling price, with a minimum of \$5,000.00 per year, located west of 3505 Easton Avenue, Waterloo Waste Treatment Plant, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Director

10. Resolution approving a Development Agreement with Prairie Rapids II, LLC to construct forty-eight (48) new housing units, located near the southeast corner of Kimball Avenue and Ridgeway Avenue, including the infill policy incentive of \$5,000.00 per unit upon completion, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Director

11. Resolution approving a Development Agreement with John & Dan Properties, LLC, for the overall development of infrastructure of the San Marnan Business Park First Addition, a fourteen lot business park subdivision, including tax rebates of a minimum of \$40,000.00 per year up to a maximum grant of \$2,020,040.00, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Noel Anderson, Director

12. Resolution approving a Development Agreement and Minimum Assessment Agreement with David G. Chilcote, for the construction of a new restaurant with a tax rebate schedule of 80 percent for years one thru five and 40 percent for year six, and a development grant of \$183,276.70 with a minimum assessment agreement of \$300,000.00, for property located at 317 Park Road, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Noel Anderson, Director

13. Resolution supporting the application by Prairie Rapids II, LLC, for the Iowa Workforce Housing Tax Credit Program to construct forty-eight (48) new housing units located near the southeast corner of Kimball Avenue and Ridgeway Avenue.

Submitted by: Noel Anderson, Director

14. Resolution approving Supplemental Agreement No. 1, to a Professional Services Agreement with AECOM Technical Services, Inc., of Waterloo, Iowa, originally executed March 7, 2022, in an amount not to exceed \$39,500.00, in conjunction with the FY 2023 Sunnyside Creek Improvements Wet Detention Pond and Channel Stabilization Project, Contract 1062, and authorizing the Mayor to execute said document.

Submitted by: Jamie Knutson, City Engineer

15. Resolution approving a Professional Services Agreement with AECOM Technical Services, Inc., of Waterloo, Iowa, in an amount not to exceed \$329,500.00, in conjunction with the FY 2023 Biennial Bridge Review Program, and authorizing the Mayor to execute said document.

Submitted by: Jamie Knutson, City Engineer

16. Resolution approving the City of Waterloo Smart City Strategic Action Plan.

Submitted by: Quentin Hart, Mayor

17. Resolution supporting LGBTQ+ Waterloo Residents.

Submitted by: Jonathan Grieder, Ward 2 Council member

18. Resolution supporting Grow Solar Cedar Valley.

Submitted by: Jonathan Grieder, Ward 2 Council member

ORDINANCES

- 1. An ordinance amending Chapter 3, Human Rights, by adding Article C, Unfair Practices - Conversion Therapy.**

Motion to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Code of Ordinances by adding Article C, Unfair Practices - Conversion Therapy, to Chapter 3, Human Rights, Title 5, Police Regulations.

Motion to suspend the rules.

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

Submitted by: Jonathan Grieder, Ward 2 Council member

- 2. An ordinance amending Title 8, Public Utilities, Chapter 3, Sewer Regulations, Article A, User Charges and Fees of Section 2, Determination of Rates and Charges, to Increase Sewer Rates.**

Motion to receive, file and consider and pass for the first time an Ordinance amending Title 8, Public Utilities, Chapter 3, Sewer Regulations, Article A, User Charges and Fees of Section 2, Determination of Rates and Charges.

Motion to suspend the rules.

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

Submitted by: Bridgett Wood, Finance Manager

ADJOURNMENT

Motion to adjourn.

Kelley Felchle
City Clerk