May 15, 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, May 15, 2023.

Roll Call.

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

Prayer or Moment of Silence.

Pledge of Allegiance, Ray Feuss, Ward 5 Council Member.

Approval of Agenda as proposed or amended.

Feuss/Chiles
that the agenda, as proposed, and the minutes for the April 28, 2023, Special Session and May 1, 2023, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

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 Neurofiberomatosis Day.

Proclamation declaring May 21-27, 2023 as National Public Works Week.

PUBLIC COMMENTS

Larry Stumme, 1008 Lois Lane, commented that he was addressing council regarding the city's negligence in addressing dilapated structures in the community.

Michael Blackwell, 5125 Millenium Drive, Cedar Falls, commented that the city is guilty of violating its own policies regarding dilapated structures.

Michael Bayer, 129 Prospect Cir., stated that an election will happen this fall and encouraged people to run for all open seats.

Dwayne Eilers, 1205 1/2 Bishop Street, shared complaints regarding Code Enforcement.

Todd Obadal, 124 Amity Drive, made comments regarding legal advice.

Mr. Grieder shared that a public forum on gun violence will occur at the Jubilee Freedom Center on Wednesday at 5:30.

Ms. Creighton-Smith thanked the Mayor and City Council for their love and support over the loss of her mother.

Mr. Boesen requested an update on two construction projects.

Jamie Knutson, City Engineer, provided comments on the referenced projects.

Feuss/Wilder
to close Public Comments. Voice vote-Ayes: Seven. Motion carried.

<u>CONSENT AGENDA</u>

Feuss/Chiles
that the consent agenda, as amended, by removing consent agenda item number 8 and adding the bills payment for May 8, 2023 in the amount of $3,396,207.23 and May 15, 2023 in the amount of $1,294,702.71, be approved. Roll Call vote-Ayes: Seven. Motion carried.

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

Resolution adopted and upon approval by Mayor assigned No. 2023-302.

<u>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. Rose and Michelle L. Rose, with a development agreement, and instruct the City Clerk to publish notice.</u>

Resolution adopted and upon approval by Mayor assigned No. 2023-303.

<u>Resolution approving support for submission of Intended Use Plan for CIPP Phase IVB, and authorizing the Mayor to execute said document.</u>

Resolution adopted and upon approval by Mayor assigned No. 2023-304.

<u>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.</u>

Resolution adopted and upon approval by Mayor assigned No. 2023-305.

<u>Resolution approving request of Mark Badura for a waiver for a concrete driveway, located at</u>

303 W. Orange Road, with the elimination of the sidewalk section due to inability to meet grade requirements.

Resolution adopted and upon approval by Mayor assigned No. 2023-306.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-307.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-308.

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.

Feuss/Grieder
Resolution approving FYE 2023 Budget Amendment. Roll Call vote-Ayes: Seven. Resolution adopted and upon approval by Mayor assigned No. 2023-309.

David Deeds, JSA Development, requested that council ensures a robust public input process into the application as well as the plan itself.

Board of Adjustment Minutes of March 28, 2023.

Michelle Weber
Board/Commission: Design Review Board
Expiration Date: May 15, 2026
Renewal

Terry Conrad
Board/Commission: ADA Compliance
Expiration Date: May 15, 2026
Renewal

William Kugler
Board/Commission: General Contractor Board of Licensing, Examiners & Appeals
Expiration Date: May 15, 2026

Renewal

Ross Samek
Board/Commission: General Contractor Board of Licensing, Examiners & Appeals
Expiration Date: May 15, 2026
Renewal

Deb Waterman
Board/Commission: General Contractor Board of Licensing, Examiners & Appeals
Expiration Date: May 15, 2026
Renewal

Dennis Wilson
Board/Commission: General Contractor Board of Licensing, Examiners & Appeals
Expiration Date: May 15, 2026
Renewal

Dionne Grabek
Board/Commission: Housing Authority Board
Expiration Date: May 15, 2025
Renewal

Liquor Licenses

a. The Isle Casino Hotel Waterloo, 777 Isle of Capri Bvd., 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) - Esp: 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.

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.

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.

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.

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.

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.

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.

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.

Bonds.

PUBLIC HEARINGS

FYE 2023 Budget Amendment.

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

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

Grieder/Feuss
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Grieder/Feuss
Resolution approving FYE2023 Budget Amendment. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-310. .

Mr. Boesen and Mayor Hart thanked Ms. Woods for her hard work.

<u>FY 2023 Gates Park Improvements, Contract No. 1076.</u>

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

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

Boesen/Wilder
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Boesen/Wilder
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-311.

Boesen/Wilder
to receive, file, and instruct the City Clerk to read the bids and refer to the Leisure Services Director for review. Voice vote-Ayes: Seven. Motion carried.

Engineer's Estimate:
Division I - $7,008,207.20 / Division II - $613,620.75 / Division I + Division II $7,621,827.95

Peters Construction Corp, Waterloo, IA - 5% - Div I: $8,893,838.99 / Alt I: $679,533.44
WRH, Inc., Amana, IA - 5% - Div I: $9,636,360.40 / Alt I: $608,698.45
Woodruff Construction, Waterloo, IA - 5% Div I: $8,731,000 / Alt I: $631,172.82

<u>Request by Iowa Heartland Habitat for Humanity to locally designate 415 Walnut Street as a Historic Landmark.</u>

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

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

Nichols/Wilder
to close the hearing and receive and file recommendation of approval of the Planning, Programming and Zoning Commission and the Historic Preservation Commission. Voice vote-Ayes: Seven. Motion carried.

Nichols/Wilder
to receive, file, consider, and pass for the first time an ordinance to locally designate 415 Walnut Street as a Historic Landmark. Roll Call vote-Ayes: Seven. Motion carried.

Nichols/Wilder
Motion to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Nichols/Wilder
to consider and pass for the second and third times and adopt said Ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5697.

<u>City Limits Urban Revitalization Area (CLURA) Plan.</u>

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

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

Feuss/Chiles
to close the hearing and receive and file recommendation of approval of the Planning, Programming and Zoning Commission. Voice vote-Ayes: Seven. Motion carried.

Mr. Grieder thanked the planning staff for their hard work and said that with this adoption, we'll be offering not just housing incentives, but also incentives for child care facilities.

Mr. Boesen commented that he is strongly opposed to the inclusion of multi-family dwellings in the CLURA program.

<u>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.</u>

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

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

Grieder/Wilder
to close hearing and receive and file oral and written comments, and recommendation of approval of the Planning, Programming and Zoning Commission. Voice vote -Ayes: Seven.

Motion carried.

Grieder/Wilder
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. Roll Call vote-Ayes: Seven. Motion carried.

Mr. Boesen questioned if all the utilities issues were met.

Noel Anderson explained that once the configuration of the outlot development is known, those utility concerns will be dealt with.

Mr. Boesen questioned the difference between the engineer's estimate of the valuation and what is listed in the Development Agreement.

Noel Anderson explained that the Development Agreement is based on an appraisal the developer had done compared to the price per square foot of the assessed value of the entire site used by the engineer.

Grieder/Wilder
Motion to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Grieder/Wilder
Motion to consider and pass for the second and third times and adopt said ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5698.

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.

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

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

Nichols/Feuss
to close the hearing and receive recommendation of approval of the Planning, Programming and Zoning Commission. Voice vote-Ayes: Seven. Motion carried.

Nichols/Feuss
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. Roll Call vote-Ayes: Seven. Motion carried.

Nichols/Feuss
to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Nichols/Feuss
to consider and pass for the second and third times and adopt said ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5699.

Nichols/Feuss
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. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-312.

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.

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

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

Feuss/Wilder
to close hearing and receive recommendation of approval of the Planning, Programming and Zoning Commission. Voice vote-Ayes: Seven. Motion carried.

Feuss/Wilder
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. Roll Call vote-Ayes: Seven. Motion carried.

Feuss/Wilder
to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Feuss/Wilder
to consider and pass for the second and third times and adopt said ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5700.

Feuss/Wilder

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. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-313.

<u>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.</u>

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

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

Chiles/Nichols
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Chiles/Nichols
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. Roll Call vote-Ayes: Six. Nays: One (Boesen). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-314.

Council persons Boesen, Chiles and Nichols and Mayor Hart discussed the sale and conveyance with Noel Anderson, Community Planning and Development Director.

Chiles/Nichols
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. Roll Call vote-Ayes: Six. Nays: One (Boesen). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-315.

<u>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.</u>

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

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

Eric Johnson, Beecher Law Firm, commented that he and the developer have been working on this project for over a year and is available to answer any questions. He gave a brief review of what is planned to occupy the space.

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

Wilder/Chiles
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. Roll Call vote-Ayes: Seven. Motion carried. (Ms. Creighton-Smith's vote to abstain is counted as a yes due to the lack of conflict of interest in accordance with Section 1-4A-29 of the Waterloo City Code). Resolution adopted and upon approval by Mayor assigned No. 2023-316.

Mr. Boesen questioned the payback timeframe.

Noel Anderson, Community Planning and Development Director, clarified the payback timeframe.

Ms. Creighton-Smith commented she needs more time to speak with her constituents.

Mayor Hart explained that unfortunately, she would still need to cast a vote this evening. He suggested she set up a meeting with the developer and residents to address any concerns there may be.

Wilder/Chiles
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. Roll Call vote-Ayes: Seven. Motion carried. (Ms. Creighton-Smith's vote to abstain is counted as a yes due to the lack of conflict of interest in accordance with Section 1-4A-29 of the Waterloo City Code). Resolution adopted and upon approval by Mayor assigned No. 2023-317.

Mr. Chiles commented on his excitement about the development in this area.

Mayor Hart commented that he is so grateful to see the partnerships to develop this area and is excited about the future developments to come.

<u>FY 2023 E. San Marnan Drive Reconstruction Project, Contract No. 1084.</u>

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

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

Feuss/Creighton-Smith
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Feuss/Nichols
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-318.

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

Engineer's Estimate: Div I - $3,020,790.45 / Div II - $145,048.90 / Div I + II - $3,165,839.35
Peterson Contractors, Inc., Reinbeck,IA - 5% - Div I - $2,340,569.25 / Div II - $145,591.70 / Div I + II - $2,486,160.95
Boomerang Corp, Anamosa, IA - 5% - Div I - $2,747,415.20 / Div II - $109,762.00 / Div I + II - $2,857,177.20
Owen Contracting, Inc., Cedar Falls, IA - 5% - Div I - $2,392,083.70 / Div II - $147,173.00 / Div I + II - $2,539,220.70
Midwest Contracting, Inc., Peosta, IA - 5% - Div I - $2,423,535.99 / Div II - $127,194.97 / Div I + II - $2,550,730.96

Feuss/Creighton-Smith
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. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-319.

Mayor Hart stated that he received a question as to whether this would have any impact on the project for Broadway.

Jamie Knutson, City Engineer, explained that the prior bid was rejected due to budget constraints. This bid was for concrete only, for a saving of $940,000.00. He is still going through the numbers, but he hopes to be able to do everything on Broadway originally planned for this year, and twice as much on Broadway next because of the savings.

RESOLUTIONS

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.

Boesen/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-320.

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.

Boesen/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-321.

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.

Boesen/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-322.

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.

Wilder/Chiles
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-323.

Mr. Boesen questioned how the lease amount was determined.

Noel Anderson, Community Planning and Development Director, explained that there have been no bidders due the small size of the property and since Mr. Cook farms private land in the area he just swings by and takes care of ours, which is an alternative to the city mowing it.

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

Wilder/Chiles
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-324.

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.

Wilder/Chiles
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-325.

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.

Feuss/Grieder

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-326.

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.

Feuss/Grieder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-327.

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.

Feuss/Grieder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-328.

Mr. Chiles questioned if there is an actual dollar amount the city is receiving for the lease, and if there are any environmental impacts.

Noel Anderson, Community Planning and Development Director, provided an overview of the lease agreement and stated there are no environmental impacts.

Resolution approving a Development Agreement with Prairie Rapids II, ILC 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.

Chiles/Greider
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-329.

Jamie Knutson, City Engineer, provided an overview of storm water regulations.

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.

Chiles/Greider
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-330.

Mr. Boesen commented that this development agreement is very confusing and questioned if the $2,020,040.00 is the estimated cost for the infrastructure and roads.

Noel Anderson, Community Planning and Development Director, confirmed that was the estimate that was provided.

Mr. Boesen clarified that the city won't receive any taxes until the $2,020,040.00 is paid back.

Noe Anderson confirmed.

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.

Chiles/Grieder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-331.

Mr. Boesen spoke in favor of this development.

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.

Feuss/Chiles
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-332.

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.

Feuss/Chiles
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-333.

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.

Feuss/Chiles
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-334.

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

Nichols/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-335.

Resolution supporting LGBTQ+ Waterloo Residents.

Feuss/Wilder
to recess for five minutes. Voice vote-Ayes: Seven. Motion carried.

Feuss/Grieder
to reconvene. Voice vote-Ayes: Seven. Motion carried.

Grieder/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-337.

Mr. Grieder commented that there are some members of our community that are not being accepted simply for being who they are. It is important that hose who recognize the right thing, the moral thing and the courageous thing, use their voice to protect those who have been marginalized by others in power.

Ms. Wilder thanked Mr. Grieder for being diligent despite the emotions that were stirred. This is the right thing to do and thanked all of the council for their support.

Resolution supporting Grow Solar Cedar Valley.

Nichols/Wilder
Roll Call vote-Ayes: Six. Nays: One (Boesen). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-336.

Mr. Boesen questioned any city liability.

Mr. Grieder explained that there is no liability to the City.

Martin Petersen, City Attorney, explained that it is nearly impossible to answer with any certainty, but said that it is always possible that the City could be named as a defendant in a lawsuit.

Mr. Boesen questioned how the company finances themselves and what do they get out of the contracts that are signed.

Mr. Grieder commented that they are funded through philanthropy and act more as a guiding organization.

Mayor Hart questioned if there is an expectation that the City will manage any marketing.

Mr. Grieder said there is not.

Ms. Creighton-Smith commented that the use of solar polar reduces the damage we are doing to the earth, and that the more individuals that participate will reduce the cost for homeowners.

Mr. Grieder confirmed.

Mr. Feuss questioned if this would preclude anyone from utilizing a different solar company.

Mr. Grieder stated it would not.

ORDINANCES

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

Grieder/Wilder
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. Roll Call vote-Ayes: Six. Nays: One (Boesen). Motion carried.

Mr. Grieder stated that conversion therapy, also known as sexual orientation change efforts, and repairative therapy, is a practice that has been denounced by every mainline medical association in America and internationally. What this ordinance says is that, in Waterloo, if you are a member of the LGBTQ+ community you cannot be subjected to what amounts to a harmful practice of trying to convince you to be someone that you are not.

Mayor Hart clarified that the city council and mayor's office cannot go to close down a practice, but the governing bodies will be informed.

Grieder/WIlder
to suspend the rules. Roll Call vote-Ayes: Six. Nays: One (Boesen). Motion carried.

Grieder/Wilder
to receive, file, consider, and pass for the second and third times and adopt said ordinance. Roll Call vote-Ayes: Six. Nays: One (Boesen). Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5701.

Mr. Grieder provided an overview of the ordinance.

John Harrell, 731 Magnolia Pkwy., commented that he is a pastor and that this ordinance puts into jeopardy conversations he is able to have with children if they ask for his advice.

Dr. Michael Peters, 722 S. Hackett, commented that he is a retired physician. He shared information on research he conducted on the issue. He said the ordinance opens the city up to lawsuits and will make it more difficult to attract and retain physicians.

Mr. Grieder commented that the case counts he has received were not from the Waterloo Schools, but through Iowa Safe Schools which is a LGBTQ affirming organization. They told him that there have been six complaints within the last year in this area. He stated that he had actually heard of more. He clarified that this ordinance isn't dealing with a conversation, it is dealing with a documented practice that is abusive. This in no way precludes an open and honest dialogue.

Sam Caughron, 264 Derbyshire Rd., spoke in support of the ordinance.

Marcella Gruver, 203 Miriam Dr., explained that she does not support the ordinance.

Mike Knapp, 1141 Independence Ave., spoke in support of the ordinance.

Jacob Tayloe, 566 Sheridan Rd., spoke against the ordinance.

Michael Bayer, 129 Prospect Cir., encouraged council to vote against the ordinance and not vote to suspend the rules.

Mayor Hart requested clarification if it is reported that these archaic practices are being done to a young person, what happens at that point.

Mr. Grieder stated it depends on who they are reporting to, but if we find out, we're going to send a letter and send it on to the licensing board that oversees licensed professionals.

Alia Amand, 223 Southbrook Dr., spoke in support of the ordinance.

Charlie Grove, 1426 Shamrock Drive, spoke in support of the ordinance.

Chris Hale, 326 E. 4th, spoke in support of the ordinance.

Todd Obadal, 124 Amity Dr., shared that he does not support the ordinance.

Janet Schuster, 210 Bourland, questioned if the city attorney is acting on behalf of the complainant.

Mayor Hart explained that we taking the complaint and possibly help write the complaint if needed and sending it to the state.

Cheryl Christiansen, 1702 E. Mitchell, spoke against the city's involvement in the issue.

Mr. Grieder said that everyone deserves to live their best fullest life. He stated that real leaders must do the right thing, the thing that protects our neighbors. He asked council to please approve this ordinance in full tonight.

Ms. Wilder apologized for how long it took to come to an agreement on this ordinance, but feels very good about what council has been able to do and now it is time to approve this ordinance.

Mr. Boesen clarified that his stance has not changed and his vote is not based on one side's ideology or the other. His vote is based on the fact that he does not believe this ordinance is legal, that it will be challenged in court and it falls outside the purview of this council.

Mr. Feuss stated that earlier he shared Mr. Boesen's concerns about legality, but after several conversations with Mr. Grieder and Ms. Wilder, he supports the ordinance as it is now presented.

Mr. Nichols commented that he attended a mental health awareness breakfast recently and one of the things that came up is that opportunity, when seeking mental health, to have multiple doors open to you and that no wrong door is the wrong door. He will be voting to approve the ordinance because this does provide another opportunity for people to seek help where they need it.

Ms. Creighton-Smith spoke about some of the comments made regarding what the Bible says. She stated she has an obligation as a human being to protect another human being from harm. She cautioned everyone to be careful about the things they say that can be very hurtful. She will therefore be voting to approve this ordinance.

Mr. Chiles stated that he too previously voted to postpone the ordinance based on concerns over the legality of the ordinance. He is pleased to see the work that has been done to make this an effective ordinance and thanked the public for their patience. He looks forward to getting this ordinance passed this evening.

Mayor Hart thanked everyone for their conversation this evening.

<u>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.</u>

Feuss/Grieder
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. Roll Call vote-Ayes: Seven. Motion carried.

Forest Dillavou, 1725 Huntington Rd., questioned if this increase is in addition to those already expected under the Consent Decree.

Bridget Wood, Finance Manager, confirmed that this increase was pre-planned as part of the Consent Decree.

Feuss/Wilder
to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Feuss/Grieder
to consider and pass for the second and third times and adopt the ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5702.

<u>ADJOURNMENT</u>

Feuss/Grieder
that the Council adjourn at 9:50 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk