



**THE CITY COUNCIL OF WATERLOO, IOWA
Planning Session TO BE HELD AT
Harold E. Getty Council Chambers
Tuesday, May 30, 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 generations, 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 PLANNING 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, Jonathan Grieder, Ward 2 Council Member.

Approval of Agenda as proposed or amended.

Approval of Minutes of the May 11, 2023, Special Session and the May 15, 2023, Work Session and Regular Session as proposed.

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. Liquor Licenses
 1. CVS Pharmacy #8544, 1825 E. San Marnan Dr., Class E Alcohol w/Sunday Sales, Renewal - Exp: 5/31/2024.
 2. EDO's Sports Bar, 110 E. 11th St., Class C Alcohol w/Sunday Sales, Renewal - Exp: 5/7/24.
 3. Golden China, 106 Brookeridge Dr., Class C Alcohol w/Sunday Sales, Renewal - 5/4/2024.
 4. Experience Waterloo, Lincoln Park (5-Day), Special Class C Alcohol w/Outdoor Service and Sunday Sales, New - Exp: 6/12/2023.
 5. Main Street Waterloo, Lincoln Park (5-Day), Special Class C Alcohol w/Outdoor Service and Sunday Sales, New - Exp: 7/7/2023.
 6. Main Street Waterloo, Lincoln Park (5-Day), Special Class C Alcohol w/Outdoor Service and Sunday Sales, New - Exp: 8/11/2023.
 7. Main Street Waterloo, Lincoln Park (5-Day), Special Class C Alcohol w/Outdoor Service and Sunday Sales, New - Exp: 9/1/2023.
 8. Main Street Waterloo, Lincoln Park (5-Day), Special Class C Alcohol w/Outdoor Service and Sunday Sales, New - Exp: 6/16/2023.
 9. Main Street Waterloo, Riverloop Expo Plaza (5-Day), Special Class C Alcohol w/Outdoor Service and Sunday Sales, New - Exp: 9/2/2023.
 10. Majestic Moon, 1955 Lock Ave., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 4/30/2024.
 11. Newton's Paradise Cafe, 128 E. 4th Street, Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 9/17/2023.
 12. Southtown Bar & Restaurant, 2026 Bopp St., Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 6/7/2024.
 13. Sunnyside Country Club, 1600 Olympic Dr., Class F Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 4/13/2024.
 14. WCA Building and Amphitheatre, 225 Commercial St., Special Class C Alcohol w/Outdoor Service and Sunday Sales, Renewal - Exp: 6/21/2024.
2. Application for Fireworks Display:
 - a. Mayor's Firework Show, July 1, 2023, 5th Street Bridge, beginning at approximately 9:45 p.m.
 - b. July 2nd Celebration, Bamboo Ridge Campground, 4550 La Porte Rd., beginning at approximately 9:45 p.m.
 - c. My Waterloo Days, June 10, 2023, Park Avenue parking ramp, beginning at approximately 9:45 p.m.
 - d. VGM Conference, June 12, 2023, 5th Street Bridge, beginning at approximately 9:45 p.m.
3. Cigarette/Tobacco Permit New Application for Express Mart, 2027 Falls Avenue (6/1/23 -

6/30/23).

4. Resolution approving preliminary plans, specifications, form of contract, etc., resetting date of bid opening as June 15, 2023 and date of public hearing as June 20, 2023, in conjunction with the FY2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1088, and direct City Clerk to publish said notice.

OTHER COUNCIL BUSINESS

1. Update from Experience Waterloo on events planned for My Waterloo Days.
2. Resolution approving award of bid to Woodruff Construction, Inc., of Fort Dodge, Iowa, in the amount of \$9,362,172.82, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2023 Gates Park Improvements, Contract No. 1076, and authorizing the Mayor and City Clerk to execute said documents.

ADJOURNMENT

Motion to adjourn.

Kelley Felchle
City Clerk

May 11, 2023

Roll Call.

The Council of the City of Waterloo, Iowa, met in Special Session at Harold E. Getty Council Chambers, Waterloo, Iowa, at 4:00 p.m., on, May 11, 2023. Mayor Quentin Hart in the Chair. Roll Call: Boesen, Nichols, Grieder, Wilder and Feuss, joined the meeting. Absent: Chiles and Creighton-Smith.

Approval of Agenda

Boesen/Nichols
that the agenda, as proposed, be approved. Voice vote-Ayes: Five. Motion carried.

RESOLUTIONS

Resolution rejecting all bids received for the FY2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1080.

Nichols/Boesen

that the "Resolution rejecting all bids received for the FY2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1080", be approved. Roll call vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-301.

Warren Lyon, Magellan Advisors, provided an overview of the reasoning for rejecting all bids. He explained that levy crossings need to be redesigned per the Army Corps of Engineers, the depth of the fiber will be decreased, and the specs will be reconfigured as well for the opportunity of value engineering. He shared that the revised specs should be ready for the June 5th council meeting.

ADJOURNMENT

Boesen/Nichols
that the Council adjourn at 4:05 p.m. Voice vote-Ayes: Five. Motion Carried.

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 Neurofibromatosis 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 dilapidated 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.

CONSENT AGENDA

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.

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

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

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.

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

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

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

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.

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

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.

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 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.

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.

FY 2023 Gates Park Improvements, Contract No. 1076.

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

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

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.

City Limits Urban Revitalization Area (CLURA) Plan.

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.

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.

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.

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.

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.

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.

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.

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

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 those 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 panels 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 reparative 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.

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.

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.

ADJOURNMENT

Feuss/Grieder

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

Kelley Felchle
City Clerk

May 15, 2023

COUNCIL WORK SESSION
Harold E. Getty Council Chambers
4:05 p.m.

Roll Call.

Members present: Mayor Quent Hart in the Chair, Boesen, Nichols, Grieder, Wilder and Feuss.
Absent: Mr. Chiles and Ms. Creighton-Smith.

Approve agenda, as proposed or amended.

Feuss/Grieder
that the agenda, as proposed or amended, be approved. Voice vote-Ayes: Four. Motion carried.

Approval of Minutes of May 1, 2023, as proposed or amended.

Feuss/Grieder
that the minutes of May 1, 2023 Council Work Session, as proposed, be approved. Voice vote-Ayes: Four. Motion carried.

Discussion of a Climate Action Plan with UNI's Center for Energy and Environmental Education.

Mr. Grieder introduced Kamyar Enshayan, Director, Center for Energy & Environmental Education and Ashley Coffin, Program Director, Green Iowa AmeriCorps. <https://ceee.uni.edu/>

The speakers provided an overview of the programs offered by the University of Northern Iowa's Center for Energy and Environment (CEEE).

Ms. Creighton-Smith arrived during the presentation.

Mr. Grieder discussed some ideas he has for where CEEE could be a partnership with the City of Waterloo.

Mr. Nichols questioned the capacity to expand the garden program in Waterloo.

Kamyar Enshayan explained that he has been working with Todd Derifield of Leisure Services on locating spaces in parks to expand the program.

Mayor Hart commented that council will be voting tonight on a resolution to adopt the Smart City Plan developed with Honeywell, which does include climate action. Once the council has decided if they wish to move forward, we will reach back out, revisit the proclamation and go into further development.

ADJOURNMENT

Feuss/Nichols
that the meeting adjourn at 4:27 p.m. Voice vote-Ayes: Four. Motion carried.

Kelley Felchle
City Clerk



COMMUNICATION TO THE WATERLOO CITY COUNCIL

NAME AND DEPARTMENT

City Clerk Department

MEETING DATE

May 30, 2023

AGENDA ITEM TITLE

Resolution approving preliminary plans, specifications, form of contract, etc., resetting date of bid opening as June 15, 2023 and date of public hearing as June 20, 2023, in conjunction with the FY2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1088, and direct City Clerk to publish said notice.

RECOMMENDED COUNCIL ACTION

SUMMARY STATEMENT AND BACKGROUND INFORMATION

NEIGHBORHOOD IMPACT

DATA, ANALYSIS, AND STRATEGIES

IMPLEMENTATION, ACCOUNTABILITY, AND COMMUNICATION

COMMUNITY ENGAGEMENT METHODS

SOURCE OF EXPENDITURES

ALTERNATIVE ACTION

LEGAL DESCRIPTION

ATTACHMENTS

None



MY WATERLOO DAYS



INTRODUCTION

- Rebranded event to give more festival feel
- Recreated the 1983 music video promoting My Waterloo Days starring local residents
- Revamped marketing & sponsorship strategies
- Reoriented event operations, with focus to elevate the visitor's experience





KEEPING WITH TRADITION





TRIED & TRUE

- MWD Parade (Friday Night)
- Movies on the Cedar
- Kids Bike Races
- Bill Reilly Youth Talent Search
- Main Stage at Lincoln Park
- Youth Carnival
- Fireworks (Saturday Night)



THE START OF SOMETHING NEW

NEW VIBES

- Dual Stages (*Lincoln Park & Anton's Garden*)
- Teen Stage (*Mulberry Street, Friday & Saturday*)
- McFun Zone (*Anton's Garden, Saturday*)
- Children's Parade (*200 block of East 4th St.*)
- Ferris Wheel (*Lincoln Park & Anton's Garden*)



FREE
ADMISSION

The logo for My Waterloo Days (MWD) consists of three stylized, white, geometric shapes that resemble a mountain range or a series of peaks. The first shape is a simple triangle, the second is a more complex shape with a pointed top and a flat base, and the third is a square with a triangular cutout on its right side.

MY WATERLOO DAYS
JUNE 9TH - 11TH



MUSIC FESTIVAL

GINUWINE

JUNE 9TH
LINCOLN PARK
LIVE 9:30
MYWATERLOODAYS.COM

BRAD & KATE

JUNE 9TH
ANTON'S GARDEN
LIVE 7:00
MYWATERLOODAYS.COM

YINGYANG TWINS

JUNE 9TH
LINCOLN PARK
LIVE 10:30
MYWATERLOODAYS.COM

MY WATERLOO DAYS

BLUES, BRUNCH & CAR SHOW

SPONSORED BY
Dupaco
CREDIT UNION

KEVIN BURT
FREE SHOW
NOON-2PM

JUNE 11TH
ANTON'S GARDEN
NOON-4 PM

BLESSID UNION OF SOULS

JUNE 10TH
LINCOLN PARK
LIVE 9:30
MYWATERLOODAYS.COM

A NEW SOUND

Experience Waterloo made an initial decision to incorporate national headliners, as well as regional and local acts to create a full festival feel.



FAMILY ACTIVITIES

FAMILY TRADITIONS (OLD & NEW)

- MWD Parade (*Downtown Waterloo*)
- Kids Bike Races (*Anton's Garden*)
- Childrens Carnival (*Near Anton's Garden*)
- Teen Stage (*Mulberry Street, Friday & Saturday*)
- McFun Zone (*Anton's Garden, Saturday*)
- Children's Parade (*200 block of East 4th St.*)





M A K

MARKETING & COMMUNITY AWARENESS

TELL ME SOMETHING GOOD

Working with community partners, like Presenting Sponsor, Veridian Credit Union, we are spreading the word about MWD23.

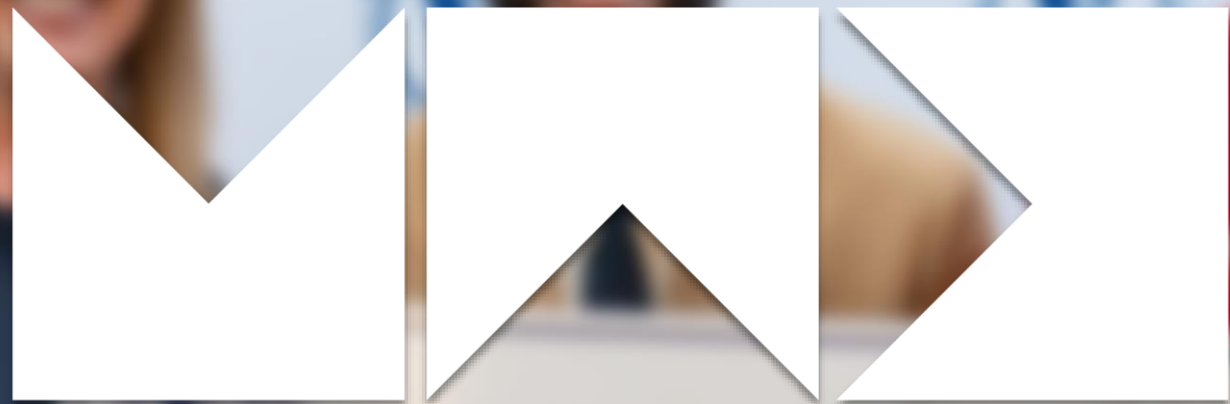
- Pocket Calendar Distribution
- Postering throughout Waterloo
- Daily Social Media Posts
- KWWL & Radio Advertising



A poster for My Waterloo Days, June 8-11, 2023. The background is a gradient of blue and purple with a geometric pattern. The text includes the event name, dates, and a list of performers: GINUWINE, YING YANG TWINS, BLESSID UNION OF SOULS, LOST WAX, BRAD & KATE, KEVIN BURT, BEN RENDALL, JAKE KEMBEL & KICK!, SUGARFOOT, FURIOUS GEORGE, RIPPED JEANS DUO, and LIVINGSTON. It also states 'FREE ADMISSION DOWNTOWN WATERLOO LINCOLN PARK & ANTON'S GARDEN'.

A poster for My Waterloo Days, June 8-11, 2023. The background is a gradient of yellow and orange with a geometric pattern. The text includes the event name, dates, and the '41ST ANNUAL MWD PARADE FIREWORKS FAMILY CARNIVAL'. It lists activities: MOVIES ON THE CEDAR, WAKANDA FOREVER, TALENT SEARCH, McFUN ZONE, KIDS BIKE RACES, STREET VENDORS, PEDAL CARS, KIDS PARADE, BLUES, BRUNCH, & CAR SHOW. It also states 'FREE ADMISSION DOWNTOWN WATERLOO LINCOLN PARK & ANTON'S GARDEN'.

A poster for My Waterloo Days, June 8-11, 2023. The background is a gradient of purple and blue with a geometric pattern. The text includes the event name, dates, and the My Waterloo Days logo. It also features the Veridian Credit Union logo and a circular badge that says 'FREE ADMISSION SPONSORED BY LINCOLN SAVINGS BANK'.



SPONSORSHIPS & PARTNERSHIPS

OLD FRIENDS & NEW FRIENDS

- Presenting Sponsor: Veridian Credit Union
- Lincoln Park Sponsor: VGM & Associates
- Admissions Sponsor: Lincoln Savings Bank
- Family Activities Sponsor: TruStage
- Parade Sponsor: Tyson Meats
- Fireworks Sponsor: University of Northern Iowa



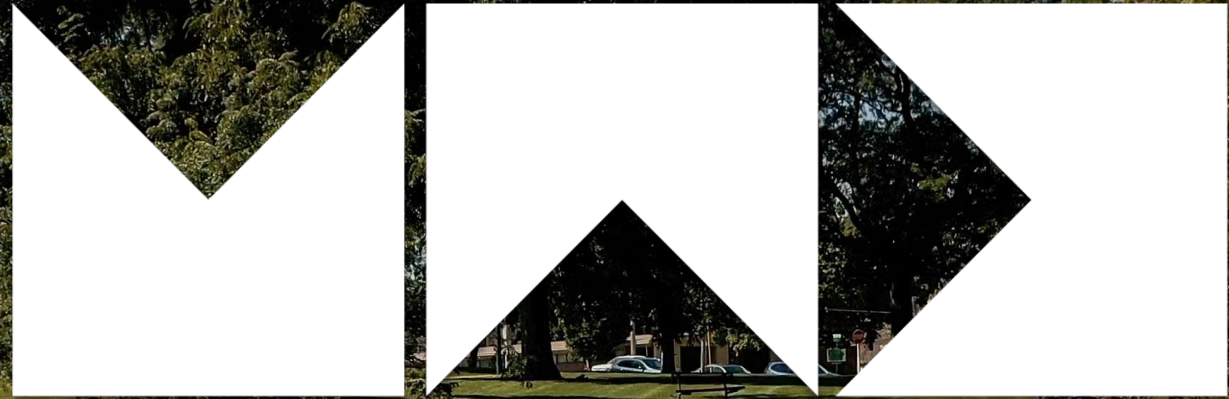


SAFE & SOUND

We have partnered with a number of agencies to ensure the well-being of our attendees.

- Waterloo Police Dept.
- Waterloo Fire Rescue
- BH Co. Emergency Management
- Mercy One
- PerMar Security





FINAL PUSH



VOLUNTEERS VOLUNTEERS VOLUNTEERS

Volunteer recruitment has gone well, with a great partnership with Cedar Valley Volunteer Center, as well as our community partners & sponsors.

We are still in particular need of volunteers on Friday and Saturday evenings to help make the event a success.



An aerial photograph of a city, likely Waterloo, Ontario, Canada, featuring a wide river and a multi-lane bridge. The sun is low in the sky, creating a warm, golden glow and long shadows. The text "THANK YOU, WATERLOO" is overlaid in large, white, sans-serif capital letters across the center of the image. The background shows various city buildings, a park area, and another bridge in the distance.

THANK YOU,
WATERLOO



COMMUNICATION TO THE WATERLOO CITY COUNCIL

NAME AND DEPARTMENT

Leisure Services Department

MEETING DATE

May 30, 2023

AGENDA ITEM TITLE

Resolution approving award of bid to Woodruff Construction, Inc., of Fort Dodge, Iowa, in the amount of \$9,362,172.82, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2023 Gates Park Improvements, Contract No. 1076, and authorizing the Mayor and City Clerk to execute said documents.

RECOMMENDED COUNCIL ACTION

SUMMARY STATEMENT AND BACKGROUND INFORMATION

NEIGHBORHOOD IMPACT

DATA, ANALYSIS, AND STRATEGIES

IMPLEMENTATION, ACCOUNTABILITY, AND COMMUNICATION

COMMUNITY ENGAGEMENT METHODS

SOURCE OF EXPENDITURES

ALTERNATIVE ACTION

LEGAL DESCRIPTION

ATTACHMENTS

1. FY 2023 Gates Park - Cont. No. 1076 - Bid Tabulation - 5.11.23

2. Form of Contract FY2023 Gates Park Improvements Cont. #1076

FY 2023 Gates Park Improvements
 Bid Tab: May 11, 2023

Engineer's Estimate:

Division I	\$7,008,207.20
Division II	\$ 613,620.75
Division I + Division II	\$7,621,827.95

Bidder	Bid Security	Bid Amount	
Peters Construction Corp Waterloo, IA		Div I	\$8,893,838.99
		Alt I	\$ 679,533.44
		Div I&II	\$
WRH Inc Amana, IA		Div I	\$9,636,360.40
		Alt I	\$ 608,698.45
		Div I&II	\$
Woodruff Construction Waterloo, IA		Div I	\$8,731,000
		Alt I	\$ 631,172.82
		Div I&II	\$

FORM OF CONTRACT
CONTRACT FOR THE CONSTRUCTION OF
FY 2023 GATES PARK IMPROVEMENTS
CITY OF WATERLOO, IOWA
CONTRACT NO. 1076

This contract made and entered into this _____ day of _____, 20___, by and between the City of Waterloo, Iowa, a Municipal Corporation, (hereinafter referred to as City), and _____ of _____, (hereinafter referred to as Contractor), WITNESSETH:

- PAR. 1 Contractor agrees to build and construct the **FY 2023 GATES PARK IMPROVEMENTS, Contract No. 1076**, and furnish all necessary tools, equipment, materials, and labor necessary to do all the work called for in the plans and specifications in a workmanlike manner and for the prices set forth in Contractor's proposal, which was accepted by the City, and which is understood and agreed to be a part of this contract.
- PAR. 2 It is understood and agreed that the resolution adopted by the City Council ordering the construction of the improvement, the Notice to Contractors as published, the Instruction to Bidders, the Form of Proposal, the Construction and Maintenance Bonds, the Council Proceedings relating to this matter, and the Plans and Specifications shall all be considered as forming a part of the contract the same as though they were each set out in said contract.
- PAR. 3 The Contractor agrees to furnish at its own cost and expense, all necessary materials and labor for said work and to construct said improvements in a thorough, substantial, and workmanlike manner, and in strict accordance with the requirements of this contract, and of the plans and specifications made a part hereof by reference, and to the satisfaction and approval of the City and its engineer.
- PAR. 4 The Contractor agrees to perform said work and install said improvements on the terms set out in bid or proposal to the City which has been accepted by the City and which is by reference made a part of this contract.
- PAR. 5 The Contractor agrees to commence said work within ten (10) working days after receipt of "Notice to Proceed." Stage 1 shall be completed on or before May 24, 2024, and Contract shall be completed within 240 working days, unless an extension of time is granted in writing by the Council of the City.
- PAR. 6 Should the Contractor fail to complete said improvements in strict accordance with the terms and conditions of this contract, or the plans and specifications therefor promptly by the date herein specified, the City may pay such additional sums as it may be required to pay by reason of the failure of said contractor and deduct any and all such sums from any amount then due the Contractor.
- PAR. 7 The Contractor agrees to comply with and obey all ordinances of the City of Waterloo, Iowa, relating to the obstruction of streets and alleys, keeping open passage ways for water, traffic, and protecting any excavations in any street or alley, and maintaining proper and sufficient

barricades with lights and signals during all hours of darkness, to see that the backfilling is properly done, and agrees to keep the City whole and defend any and all suits that may be brought against the City by reason of any injuries that may be sustained by any person or property allegedly caused by the Contractor, or his agents, while work is done pursuant to this agreement.

- PAR. 8 The Contractor agrees that in the event a law suit is brought against the City for damages allegedly sustained by reason of any act, omission or negligence of the Contractor or its agents, or on account of any injuries allegedly sustained by reason of any obstruction, hole, depression or barrier placed or dug by the defendant or its agents, in the doing of the work herein contracted for, that it will defend said suit and save the City harmless therein, and in case judgment is rendered against the City, the Contractor agrees to pay the same promptly. The Contractor agrees to carry public liability insurance in a solvent company in a sufficient amount to protect the City and those who use the streets of the City.
- PAR. 9 The City shall have the right to appoint one or more construction reviewers who shall review the progress of the work in detail; also, to make any test or any material to be used in such work. No material shall be used in any work until the same has first been approved by the construction reviewer. Such construction reviewer shall have full authority to pass judgment upon all materials and upon the manner of doing the work, and their judgment on rejecting any materials, substance, or manner of work shall be final unless it is revoked or modified by the City Engineer.
- PAR. 10 Any material, which has been rejected by the construction reviewer, shall be at once removed from the line of work and shall not be again taken thereon or placed with the material proposed to be used without the written consent of the City Engineer.
- PAR. 11 The Contractor shall maintain no cause of action against the City on account of delays and prosecution of work, but if said work is delayed by the City, the Contractor shall have such extra time for completion of the job as was lost by reason of the delay caused by the City.
- PAR. 12 The Contractor agrees to pay punctually all just claims of labor, material, men, or subcontractors who shall perform labor or furnish materials entering into this improvement. It is agreed that the City need not pay the Contractor until all such claims are paid by the Contractor. It is agreed that the City shall not be liable for said labor, material, or men under this contract.
- PAR. 13 The Contractor agrees to furnish the City, simultaneously with this contract, a bond on a form to be provided by the City in the amount provided by law as stated in the Notice to Bidders, which shall be for the benefit of the City, and any and all persons injured by the breach of any of the terms of this contract. Said bond shall be filed with the City Clerk and shall be subject to the approval of the City Council and is by reference made a part of this contract.
- PAR. 14 The Contractor agrees that should it abandon work under this contract or cease the prosecution thereof for a period of thirty (30) consecutive days without reasonable cause, and should it fail to proceed with said work within ten (10) days after a notice to continue or carry it on has been mailed to it at the address given herein by the City, or after such notice has been served on it, then the City may proceed to complete said work, using any material, tools, or machinery found along said line of work, doing the work either by contract or as it may elect, and the Contractor and the sureties on its bond shall be liable to the City for the costs and expenses so paid out. Said costs shall be retained by the City from any compensation due, or to become due the Contractor, and may be recovered by the City in an action upon Contractor's bond.

- PAR. 15 In consideration of the full compliance on the part of the Contractor with all the provisions, stipulations, and conditions hereof, or contained in the various instruments made a part of this contract by reference, and upon completion and acceptance of said work, the City agrees to pay to the Contractor, in the manner set out in the Notice to Contractors, the amount of money due the Contractor for work performed and accepted, at the unit prices set out in the Contractor's proposal, which has been accepted by the City.
- PAR. 16 The total amount of the contract, based on the Engineer's estimates of quantities and the Contractor's unit bid prices, and for which 100% surety bond is required, is \$_____.
- PAR. 17 After the completion of said work, the Contractor agrees to remove all debris and cleanup said streets, and to save the City harmless from any damage allegedly resulting from a failure to clean up and remove the debris or put the street back in a proper condition for travel.
- PAR. 18 This contract is not divisible, but in the event of a conflict between this contract and the various instruments incorporated by reference, this contract shall govern.
- PAR. 19 Before the Contractor shall be entitled to receive final payment for work done under this contract, it shall execute and file a bond in the penal sum of not less than 100% of the total amount of the contract, same to be known as "Maintenance Bond," and which bond must be approved by the City Council, and which bond is in addition to the bond given by the Contractor to guarantee the completion of the work.
- PAR. 20 The Contractor shall maintain all work done hereunder in good order for the period of two (2) years from and after the date it is accepted by the Council of the City of Waterloo, Iowa. Said maintenance shall be made without expense to the City or the abutting property. In the event of the failure or default of the Contractor to remedy any or all defects appearing in said work within a period of two (2) years from the date of its acceptance by said Council, and after having been given ten (10) days' notice so to do by registered letter deposited in the United States Post Office in said town, addressed to said contractor at the address herein given, then the City may proceed to remedy such defects. The costs and expenses thereof to be recovered from the Contractor and the sureties on its maintenance bond by an action brought in any court of competent jurisdiction.
- PAR. 21 The Contractor shall give notice to said City by registered letter directed to the Mayor or City Clerk/Auditor thereof not more than four (4) and not less than three (3) months prior to the expiration of the term during which the Contractor is required to maintain said improvements, in good repair by the terms of its Contract. The liability of the Contractor and of the sureties on its bond for maintenance of the said improvements shall continue until three (3) months after such notice has been given to the City, and, in any event, until two (2) years after the acceptance of the work.

CITY OF WATERLOO, IOWA

Mayor

City Clerk

Contractor

BY: _____

Title: _____

Approved by the City Council of the City of Waterloo, Iowa, this _____ day of _____, 20__.

ATTEST: _____, City Clerk
Waterloo, Iowa