July 3, 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, July 3, 2023.

Roll Call.

Mayor Quentin Hart in the Chair. Roll Call: Boesen, Nichols, Creighton-Smith, Chiles, Grieder, and Feuss. Wilder entered the meeting at 5:35 p.m.

Prayer or Moment of Silence.

Pledge of Allegiance: Nia Wilder, Ward 3 Council member.

Approval of Agenda.

Feuss/Nichols
that the agenda, as amended, with the removal of resolution item number 10 and resolution item number 11, be approved. Voice vote: Ayes: Seven. Motion carried.

Approval of Minutes of June 20, 2023 Regular Session, and the June 29, 2023 Special Session, as proposed.

Feuss/Nichols
that the minutes of June 20, 2023, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

PUBLIC COMMENTS

Jessica Rucker, Main Street Waterloo, thanked city departments and staff for their assistance with the Mayor's Fireworks Event on Saturday.

Dwayne Eilers, 1205 Bishop, commented that he received correspondence in the mail from Code Enforcement stating that he needs to cut back bushes. He stated that Code Enforcement sends him lying letters and they have nothing to do but to harass him and other landlords.

Dan Decker, 1537 Newell, commented that he wants to address the issue of truck traffic on Newell Street. He shared that the road was not made to have heavy trucks on it and it is destroying the road.

Calvin Sayers, Jr., 1556 Newell Street, commented that the issue of trucks on Newell Street has been an ongoing issue. There are not sidewalks on this street and there is no enforcement on this issue. He added that the truck traffic is messing up the streets.

Larry Stumme, 1008 Lois Lane, shared comments on the many disparities listed in the 24/7 Wall Street report between whites and blacks in Waterloo. He added that recent Supreme Court Rulings have made this worse.

Lawrence Blackwell, 5125 Millenium Drive, commented on the many disparities listed in the 24/7 Wall Street report between whites and blacks in Waterloo.

Mr. Grieder commented that the last public forum of the Waterloo Safe Neighborhoods will be held on July 5th at 6:00 p.m.

Mr. Nichols commented that he had the opportunity to take his children to the theme park lit up this weekend. He shared that this Friday and Saturday would be the Summer Soul Classic Festival and shared details about the event.

Ms.Creighton-Smith commented that she has had discussions with Mayor and residents regarding issues with Newell Street and would like to see something done. She further shared that she met a tourist who brought her family to Waterloo for a vacation from Tennessee. She shared that they went to the theme parks but that Waterloo really needed to do something about Crossroads Mall.

Mr. Chiles left the room at 5:55 p.m.

Mr. Boesen publicly apologized for comments he made regarding Mr. Dunn, Human Resource Director, at the June 5th council meeting.

Feuss/Creighton-Smith
to close public comments. Voice vote-Ayes: Six. Motion carried.

<u>CONSENT AGENDA</u>

Feuss/Wilder
that the following items on the consent agenda be received and placed on file including the payment of bills for June 26, 2023, in the amount of $2,292,832.45,and July 3, 2023, in the amount of $3,504,964.50. Voice vote-Ayes: Six. 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. 2023-403.

<u>Resolution setting date of public hearing as July 17, 2023, on the authorization of a loan and disbursement agreement and the issuance of not to exceed $4,045,000.00 Sewer Revenue Capital Loan Notes, and direct the City Clerk to publish notice.</u>

Resolution adopted and upon approval by Mayor assigned No. 2023-404.

<u>Resolution setting date of public hearing as July 17, 2023, to approve the request by Hurst and Sons Contractors, LLC, to rezone 0.46 acres from “M-1” Light Industrial District and “R-2” One and Two Family Residence District to “M-1” Light Industrial District at 622 Ansborough Avenue, and direct the City Clerk to publish notice.</u>

Resolution adopted and upon approval by Mayor assigned No. 2023-405.

<u>Resolution setting date of public hearing as July 17, 2023, to approve a Site Plan Amendment request by E. Castro Roofing and Siding, LLC, for a Site Plan Amendment and change in</u>

conditions to allow for a contractor's business with outside storage that will be screened from view in the "R-4,C-Z" Conditional Zoning District located at 42 Franklin Street, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-406.

Resolution setting date of public hearing as July 17, 2023, to approve the request by Ridgeway Heights LLC, dba San Marnan Heights Senior Living, to rezone 4.6 acres from "R-4,R-P" Planned Multiple Residence District and "B-P" Business Park District to "R-4,R-P" Planned Multiple Residence District to allow for the construction of a 110-unit senior housing complex located east of 815 Tower Park Drive, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-407.

Resolution setting date of public hearing as July 17, 2023, for the sale and conveyance of City-owned property in the amount of $1.00, located at the southeast corner of Leversee Road and Hyper Drive, for the construction of a 50,000 square foot warehouse, including a Development Agreement and Minimum Assessment Agreement with 3 Stooges, LLC with a minimum assessed value of $1,450,000.00 and tax rebates of 5 years at 50%, and rescinding Resolutions 2023-247 and 2023-248 in their entirety, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-408.

Resolution setting date of public hearing as July 17, 2023, to review the proposed funding recommendations for the FY2024 Annual Action Plan for CDBG and HOME program funds for the Waterloo/Cedar Falls Consortium set forth by the Community Development Board, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-409.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as July 27, 2023, and date of public hearing as August 7, 2023, in conjunction with the FY 2024 W. Airline Hwy. Railroad Crossing Repairs, Contract No. 1090, and direct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-410.

Resolution approving an amendment to the conflict waiver with Ahlers and Cooney, P.C., for a cooperation agreement for the Waterloo Telecommunications Utility Board and the City of Waterloo for the FTTP and City backbone project, and authorizing the Board Chair and Board Secretary to execute said document.

Resolution adopted and upon approval by Mayor assigned No. 2023-411.

Resolution accepting a Federal Aviation Administration Grant No: 3-19-0094-0056 in the amount of $1,936,017.00, for the Phase 2 Pavement Reconstruction of Taxiway Alpha West at the Waterloo Regional Airport, and authorizing the Mayor and City Attorney to execute said documents.

Resolution adopted and upon approval by Mayor assigned No. 2023-412.

Resolution approving award of the 2023 Equipment and Services RFP to ePlus Technology, Inc., of Herndon, Virginia, and authorizing the Mayor and City Clerk to execute necessary documents.

Resolution adopted and upon approval by Mayor assigned No. 2023-413.

Resolution approving the request to seek proposals for a comprehensive downtown parking study.

Resolution adopted and upon approval by Mayor assigned No. 2023-414.

Motion to accept and place on file the arbitrage results reflecting that no payment is due to the Internal Revenue Service for the General Obligation Bonds Series 2018A.

Motion to approve, receive and keep on file, amendments made to the Constitution and By-Laws of the Memorial Hall Commission.

Motion to receive and file Leisure Services Commission Board minutes of May 9, 2023.

Motion to receive and file Leisure Services Commission Board minutes of May 26, 2023.

Motion to receive and file Leisure Services Commission Board minutes of May 23, 2023.

Sherman Wise Board/Commission: Experience Waterloo, Expiration Date: July 3, 2026 (Renewal)

Tom Powers Board/Commission: Experience Waterloo, Expiration Date: July 3, 2026 (Renewal)

Motion approving appointment of Bridgett Wood to the position of Finance Director in the Finance Department, effective July 4, 2023.

Motion approving appointment of Pamela Patrou to the position of Part-Time Receptionist in the Housing Authority Department, effective July 6, 2023.

Motion approving appointment of Shannon Steimel from the current Civil Service List to the position of Clerk II in the Code Enforcement Department, effective July 4, 2023.

Communication from the Fire Department on the notice of the conclusion of employment of Ben Lowe, Paramedic, effective 6/9/2023 with recommendation of approval of payout of $5,766.28 for unused benefits.

Liquor Licenses

a. Broadway Liquor, 821 Broadway St., Class E Alcohol w/Sunday Sales, Renewal - Exp: 6/10/2024.
b. Casey's General Store #2867, 2424 Ranchero Rd., Class E Alcohol w/Sunday Sales, Renewal - Exp: 6/14/2024.
c. Highway 63 Diner, 3030 Marnie Rd., Class C Alcohol w/Sunday Sales, Renewal - Exp: 6/29/2024.
d. Kwik Star #715, 1636 W. 4th St., Class B Alcohol w/Sunday Sales, New - Exp: 7/29/2024.
e. Light House Lounge, 1307 W. 5th St., Class C Alcohol w/Sunday Sales, Renewal - Exp: 6/28/2024.
f. Metro Mart #1, 3201 W. 4th St., Class B Alcohol w/Sunday Sales, New - Exp: 6/30/2024.
g. Placita, 321 W. 4th St., Class B Alcohol w/Sunday Sales, New - Exp: 6/13/2024.
h. West 5th Mart, 919 W. 5th St., Class E Alcohol w/Sunday Sales, New - Exp: 6/18/2024.

Bonds.

PUBLIC HEARINGS

Request by NADROJ Reality, LLC, for a Site Plan Amendment to allow for construction of multiple contractor suites totaling 57,600 square feet plus a 40 foot x 60 foot 2,400 square foot covered loading dock in the “M-2,P” Planned Industrial District located at the southeast corner of Leversee Road and Warp Drive.

Grieder/Nichols
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Six. 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/Nichols
to close hearing and receive and file a recommendation of approval of the Planning, Programming, and Zoning Commission. Voice vote-Ayes: Six. Motion carried.

Grieder/Nichols
to receive, file, consider, and pass for the first time an ordinance amendment to Ordinance No. 5079, as amended, City of Waterloo Zoning Ordinance, by amending the Official Zoning Map referred to in Section 10-4-4, approving a Site Plan Amendment request by NADROJ Reality, LLC, for a Site Plan Amendment to allow for the construction of multiple contractor suites totaling 57,600 square feet plus a 40 foot by 60 foot, 2,400 square foot covered loading dock in the "M-2,P" Planned Industrial District located at the southeast corner of Leversee Road and Warp Drive. Roll Call vote-Ayes: Seven. Motion carried.

Grieder/Nichols
to suspend the rules. Roll Call vote-Ayes: Six. Motion carried.

Grieder/Nichols
to consider and pass for the second and third times and adopt said ordinance. Roll Call vote-Ayes: Six. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5707.

FY23 Sidewalk Infill, Ramp and Trail - Zone 3, Cont. No. 1079.

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

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

David Dryer, 3145 W. 4th Street, questioned the breakdown between the sidewalk, infill, ramps, and trails.

Jamie Knutson, City Engineer, shared that he would email the breakdown to Mr. Dryer.

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

Nichols/Wilder
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-415.

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

Bid Tab: FY 2024 Sidewalk Infill, Sidewalk Ramp & Trail Repair Program - Zone 3

Engineer's Estimate:

Base Bid:	$277,679.84
Alternate:	$44,532.20
Total Base Bid & Alternate:	$322,212.04

Bidder	Bid Security	Bid Amount

Brock Even Construction, LLC Jesup, IA	5%	Total Bid Div I	$42,553.15
		Total Bid Div 2:	$89,058.86
		Total Bid Div 3:	$9,894.83
		Total Bid Div 4:	$29,113.60
		Total Bid Div 1 Alternate:	$27,694.61
		Total Bid Div 1,2,3 & 4:	$170,620.44
		Total Bid Div 1 Alternate:	$27,694.61
Midwest Concrete, Inc. Peosta, IA	5%	Total Bid Div I	$54,666.61
		Total Bid Div 2:	$85,915.70
		Total Bid Div 3:	$16,520.19
		Total Bid Div 4:	$38,510.11
		Total Bid Div.1 Alternate:	$35,452.64
		Total Bid Div 1,2,3 & 4:	$195,912.64
		Total Bid Div 1 Alternate:	$231,065.26

Nichols/Wilder
Resolution approving award of bid to Brock Even Construction, LLC of Jesup, Iowa, in the amount of $198,315.05, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2024 Sidewalk Infill, Sidewalk Ramp and Trail Repair Program - Zone 3, Contract No. 1079, and authorizing the Mayor and City Clerk to execute said documents. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-416.

RESOLUTIONS

Resolution approving the amendment to the current Consolidated Public Safety Communications 28E Agreement and authorizing the Mayor to execute said document.

Boesen/Wilder
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-417.

Mr. Chiles returned to the meeting at 6:10 p.m.

Resolution approving a Development Agreement and Minimum Assessment Agreement with Drew Reg Investments, LLC, for the construction of a new commercial building with a tax rebate schedule of 60 percent for years one thru five with a minimum assessment agreement of

$595,460.00, for property located at 2920 Janet Drive, and authorizing the Mayor and City Clerk to execute said documents.

Boesen/Wilder
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-418.

Resolution approving FY 2024 and FY 2025 Professional Services Agreement with Grow Cedar Valley, in the amount of $30,625.00, with $80,750.00 in potential incentive funds annually, and authorizing the Mayor and City Clerk to execute said documents.

Boesen/Wilder
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-419.

David Dryer, 3145 W. 4th Street, questioned the amount of monies spent on a number of entities who are seemingly working on the same projects.

Mayor Hart commented on the work that Vandewall and Associates, Main Street Waterloo and Grow Cedar Valley each do for downtown Waterloo.

Ms. Creighton-Smith questioned if there was a way to make it easier to see what these organizations are doing to help the community and questioned if there is information on the website or if there is a place to refer constituents to in order to bring the information to them.

Mayor Hart shared he could speak with the Communications Director to further elevate the work they are doing in the community.

Mr. Boesen thanked staff for their work on the 28E Agreement.

Resolution approving a Professional Service Agreement with Invision of Waterloo, Iowa, in the amount of $13,000.00 in conjunction with the First Floor Police Department Public Access/Mayor Office Remodel, and authorizing the Mayor to execute said document.

Nichols/Chiles
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-420.

Resolution approving a Professional Services Agreement with Vandewalle and Associates, in the amount of $72,000.00, for continued work on downtown Waterloo planning efforts, redevelopment design, riverfront development, and funding opportunities for FY 2024, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Chiles
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-421.

Mr. Chiles questioned if there are any funding opportunities that Vandewalle and Associates has been able to provide to the community.

Mayor Hart provided an overview of funding they have helped to bring in for projects.

Resolution approving a Temporary Construction Easement Agreement with Black Hawk Street Investments, LLC, in conjunction with the 11th Street Bridge Reconstruction Project, located at 1314 Black Hawk Street, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Chiles
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-422.

Mr. Boesen requested an update on the timeline for the project since it has run over what was written in the Development Agreement.

Noel Anderson, Community Planning and Development Director, explained that staff had spoken with the developer and were informed that he had lost the original tenant the rehab was intended for. They are now having difficulty finding a new tenant while construction is ongoing on the bridge.

Jamie Knutson, City Engineer, provided an update on the 11th Street Bridge and Park Avenue Bridge projects.

Mayor Hart questioned what the timeframes are for completion.

Jamie Knutson commented that they should be done with Park Avenue in Spring 2024 and 11th Street in the fall of 2024.

Resolution approving an agreement with Pro-West & Associates, in an amount not to exceed $1,597.27, to provide updates to the existing Sidewalk Inspector Solution, and authorizing the Mayor to execute said document.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-423.

Resolution approving an Amendment to the Development Agreement with 5 Bees, LLC, originally executed July 13, 2020, adjusting the square footage of the buildings constructed, timeline of completion and consenting to the sale of property outlined in phase II, for properties located in the 1800 block of Black Hawk Street, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-424.

Resolution approving a Development Agreement and Minimum Assessment Agreement with JSLK Holdings, LLC, for the construction of a new 6,903 square foot professional office building with a tax rebate schedule of 95 percent for years one thru four and 90 percent for years five through eleven, with a minimum assessment agreement of $1,314,770.00, for property located east of 4020 Bankers Boulevard within the San Marnan Urban Renewal and Redevelopment Plan area, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Creighton-Smith
Roll Call Vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-425.

David Dryer, 3145 W. 4th Street, commented that he looked at the development agreement for item number 8 and questioned how it compares to the development agreement in item number 9.

Noel Anderson, Community Planning and Development Director, provided an overview of both development agreements.

Mr. Boesen requested a work session on development agreements in the future as they are all different and would like to see any incentives based on employment and bringing people to live, work and play in the community.

Mayor Hart commented that staff will work on a way to hold a work session while also maintaining a competitive edge.

<u>ADJOURNMENT</u>

Feuss/Chiles
that the Council adjourn at 6:31 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk