July 17, 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 17, 2023.

Roll Call.

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

Prayer or Moment of Silence.

Pledge of Allegiance - Belinda Creighton-Smith.

Approval of Agenda as proposed or amended.

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

Approval of Minutes of July 3, 2023, Council Regular Session, as proposed.

Feuss/Nichols
that the minutes of July 3, 2023, as proposed, be approved. Voice vote: Ayes: Five. Motion carried.

Proclamation declaring July 14th as 1-133d Infantry Regiment–Ironman Battalion Day.

PUBLIC COMMENTS

Dwayne Ehilers 1205 1/2 Bishop Street, commented that he received citations from Code Enforcement on three properties, two of which he does not own. Mr. Ehilers questioned equal treatment when three doors from his property is a city property with overgrown vegetation.

Don Miller, 707 South Quarry Road, commented he is a founding grandfather of Advance Waterloo and that he is here tonight to kick off the campaign to adopt the Council/Manager system of government and invited the council to join in this effort. Harrison Cass read a statement explaining the goals of Advance Waterloo.

David Dryer, 3145 W. 4th Street, commented he is part of this small committee trying to improve city efficiency. Mr. Dryer gave the example of the City of San Bernadino in a state of bankruptcy but now in the black after hiring a City Manager.

Charles Pearson,127 Adams Street, expressed there is a great opportunity for the City of Waterloo to take a leadership role in Iowa's black experiences, having an African-American historical district and tourism destination in connection with the civil rights movement. Mr.

Pearson related information regarding being added to the National Historical Society and the limitations of the Black Hawk County/City Preservation Commission.

Lawrence Stumme, 1008 Lois Lane, gave information regarding the economic vulnerabilities of the black community and asked that the council work to lessen these vulnerabilities between white and black residents.

Michael Blackwell, 5125 Millenium Drive, Cedar Falls, gave information with regard to the systemic racial disparities that exist in the City of Waterloo and encouraged the Council to make efforts to impede and extinguish racial bias to improve the quality of life for its black citizens.

Mr. Grieder thanked Purvis Williams for assembling the Summer Soul Festival Parade, the North End Arts and Music Festival, to celebrate the diversity and vibrancy of the City, and the Center for the Arts staff for putting together the Fiesta Latin Heritage Festival. He encouraged anyone with feedback regarding the Safe Neighborhoods Commission to contact him as the Commission will be meeting tomorrow to draft their recommendations to be presented to the council.

Feuss/Grieder
to close public comments. Voice vote-Ayes: Five. Motion carried.

CONSENT AGENDA

Feuss/Grieder
that the following items on the consent agenda be received and placed on file including the payment of bills for July 10, 2023, in the amount of $3,822,465.71, and July 17, 2023, in the amount of $5,133,736.19, and that consent agenda items No. 10, No. 11 and letter 19a be pulled from the agenda for further consideration. Roll Call vote-Ayes: Five. 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. 2023-426.

Resolution approving the request of Wallace Investment Group, LLC, for a waiver for a concrete driveway, located at 1012-1014 Fletcher Avenue and 1018-1020 Fletcher Avenue, with the elimination of the sidewalk section due to inability to meet grade requirements.

Resolution adopted and upon approval by Mayor assigned No. 2023-427.

Resolution approving the request of Roberta Slick for a waiver for a concrete driveway, located at 918 Burbank Avenue, with the elimination of the sidewalk section due to inability to meet grade requirements.

Resolution adopted and upon approval by Mayor assigned No. 2023-428.

Resolution authorizing an exception to the purchasing policy for the purchase of a used, demonstration, Sanitation Truck, for the Public Works Sanitation Department, in the amount of $349,500.00.

Resolution adopted and upon approval by Mayor assigned No. 2023-429.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as August 3, 2023, and date of public hearing as August 7, 2023, in conjunction with the Waterloo Public Library 2023 Interior Renovation Project, Contract No. 28439, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-430.

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 Asbestos Abatement Services, Contract No. AB-2023-07-02P, for property located at 212 Sunnyside Avenue and 1318 Martin Road, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-431.

Resolution setting date of public hearing as August 7, 2023, to approve a request by Freedom Truck and Trailer Wash, LLC, for a Site Plan Amendment for a truck and trailer washing facility in the “B-P” Business Park District located southwest of 3124 Titan Trail, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-432.

Resolution setting date of public hearing as August 7, 2023, for the sale and conveyance of City-owned property to A&K Ventures, LLC, in the amount of $1.00, with a phased Development and Minimum Assessment Agreement in the amount of $624,125.00, for the construction of 6,500 square foot building and 6,000 square foot addition, located northeast of 3151 Titan Trail, and instruct City Clerk to publish public notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-433.

Resolution setting date of public hearing as August 7, 2023, for the sale and conveyance of City-owned right-of-way to Grant Park, LLC, in the amount of $1.00, with a Development and Minimum Assessment Agreement in the amount of $2,200,000.00, with a rebate schedule of 80 percent for years one (1) through five (5) and 70 percent for years six (6) through ten (10), located at 2775 Crossroads Boulevard, for the construction of a new 10,000 square foot commercial building, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-434.

Motion approving Final Quantity Summary with Aspro, Inc., of Waterloo, Iowa, for a net decrease of $233,835.49, in conjunction with the FY 2022 Street Reconstruction Program, Contract No. 1057, and authorizing the Mayor and City Clerk to execute said document.

Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Aspro, Inc., of Waterloo, Iowa, in the amount of $4,326,130.56, in conjunction with the FY 2022 Street Reconstruction Program, Contract No. 1057, and receive and file a two-year maintenance bond.

Resolution adopted and upon approval by Mayor assigned No. 2023-435.

LeKeisha Veasley Board/Commission: Planning, Programming and Zoning Commission Expiration Date: 7/17/2026
New

Motion approving appointment of Joshua Wilson from the current Civil Service List, to the position of Facilities Service Specialist at Cultural & Arts Department, effective July 18, 2023.

Cigarette/Tobacco Permit New Application for BP Fuel, 127 Jefferson Street, (7/1/2023 - 6/30/2024).

Cigarette/Tobacco Permit New Application for King Star, 2035 E. Mitchell Avenue (7/1/2023 - 6/30/2024).

Bonds.

Motion approving Final Quantity Summary with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net increase of $10,507.57, in conjunction with the FY 2022 Sergeant Road Trail Bridges No. 2 and No. 3 Replacement, Contract No. 1070, and authorizing the Mayor and City Clerk to execute said document.

Feuss/Grieder
to postpone approving the Final Quantity Summary with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net increase of $10,507.57, in conjunction with the FY 2022 Sergeant Road Trail Bridges No. 2 and No. 3 Replacement, Contract No. 1070, and authorizing the Mayor and City Clerk to execute said document, to the August 7, 2023 Council meeting. Roll Call vote-Ayes: Five. Motion carried.

Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of $338,171.77, in conjunction with the FY Sergeant Road Trail Bridges No. 2 and No. 3 Replacement, Contract No. 1070, and receive and file a two-year maintenance bond.

Feuss/Grieder
to postpone approving the Completion of Project and Recommendation of Acceptance of Work for work performed by Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of $338,171.77, in conjunction with the FY Sergeant Road Trail Bridges No. 2 and No. 3 Replacement, Contract No. 1070, and receive and file a two-year maintenance bond to the August 7, 2023 Council meeting. Roll Call vote-Ayes: Five. Motion carried.

Liquor Licenses

a. Flirt's Gentlemen's Club, 319 Jefferson St., Class C Alcohol w/Sunday Sales, Renewal - Exp: 6/10/2024.

Feuss/Grieder
to approve the liquor license for Flirts Gentlemen's Club, 319 Jefferson St., Class C Alcohol w/Sunday Sales, Renewal - Exp: 6/10/2024.

Mr. Boesen read calls for service to the establishment. He further explained the new public safety nuisance law in effect. He shared that he wanted to bring this law to the public and council's attention.

Mr. Grieder commented that from a public safety perspective, more intervention and support is needed in this instance, and thanked the state for allowing cities this option. Roll Call Vote-Ayes: Zero Nayes: Five (Boesen, Nichols, Creighton-Smith, Grieder and Feuss). Motion failed.

PUBLIC HEARINGS

Not to Exceed $4,045,000.00 Sewer Revenue Capital Loan Notes (State of Iowa Revolving Fund Loan).

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

Grieder/Nichols
Resolution instituting proceedings to take additional action for the authorization of a loan and disbursement agreement and the issuance of not to exceed $4,045,000.00 Sewer Revenue Capital Loan Notes. Roll Call vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-436.

FY2024 One Year Annual Action Plan for CDBG and HOME funds for the Waterloo/Cedar Falls HOME Consortium.

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

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

Nichols/Grieder
to close the hearing and receive and file recommendations of approval of the Waterloo Community Development Board. Voice vote-Ayes: Five. Motion carried.

Nichols/Grieder
Resolution approving proposed funding recommendations set forth by the Community Development Board for the FY 2024 One-Year Action Plan for CDBG and HOME Program Funds for the Waterloo/Cedar Falls Home Consortium. Roll Call vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-437.

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.

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

Boesen/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 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. Roll Call vote-Ayes: Five. Motion carried.

Mr. Boesen questioned if there was an urgency to this item.

Noel Anderson, Community Planning and Development Director, explained the applicants are looking to build storage units yet this construction season and no objections were filed with the Planning Department.

Boesen/Nichols
to suspend the rules. Roll Call vote-Ayes: Five. Motion carried.

Boesen/Nichols
to consider and pass for the second and third times and adopt the ordinance. Roll Call vote-Ayes: Five. Motion carried. Ordinance adopted and upon approval by Mayor assigned Ordinance No. 5708.

Request by E. Castro Roofing and Siding, LLC, for a Site Plan Amendment and change in 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.

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

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

Creighton-Smith/Nichols
to close hearing and receive and file a recommendation of approval of the Planning, Programming, and Zoning Commission. Voice vote-Ayes: Five. Motion carried.

Creighton-Smith/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 request by E. Castro Roofing and Siding, LLC, for a Site Plan Amendment and change in 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. Roll Call vote-Ayes: Five. Motion carried.

Creighton-Smith/Nichols
to suspend the rules. Roll Call vote-Ayes: Five. Motion carried.

Creighton-Smith/Nichols
to consider and pass for the second and third times and adopt the ordinance. Roll Call vote-Ayes: Five. Motion carried. Ordinance adopted and upon approval by Mayor assigned Ordinance No. 5709.

<u>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.</u>

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

Feuss/Nichols
to receive, file, consider, and pass for the first time an ordinance amending Ordinance No. 5079, as amended, City of Waterloo Zoning Ordinance, by amending the Official Zoning Map referred to in Section 10-4-4, approving a 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. Roll Call vote-Ayes: Five. Motion carried.

Mr. Grieder thanked the staff for working on this project.

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

Feuss/Nichols
to consider and pass for the second and third times and adopt the ordinance. Roll Call vote-Ayes: Five. Motion carried. Ordinance adopted and upon approval by Mayor assigned Ordinance No. 5710.

<u>Sale and conveyance of City-owned property in the amount of $1.00, located at the southeast</u>

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 five (5) years at 50 percent, rescinding Resolution No. 2023-247 and Resolution No. 2023-248 in their entirety, and authorizing the Mayor and City Clerk to execute said documents.

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

Nichols/Grieder
Resolution approving the sale and conveyance of city-owned property located at the southeast corner of Leversee Road and Hyper Drive to 3 Stooges, LLC, in the amount of $1.00, and authorizing the Mayor and City Clerk to execute said documents, and rescinding Resolution No. 2023-247. Roll Call vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-438.

Resolution approving a Development and Minimum Assessment Agreement with 3 Stooges, LLC, for the construction of a new 50,000 square foot warehouse, with a minimum assessed value of $1,450,00.00, and tax rebates of five (5) years at fifty percent, and authorizing the Mayor and City Clerk to execute said document, and rescinding Resolution No. 2023-248. Roll Call vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-439.

2023 Final Clarifier No. 3 Rehabilitation Project, Contract No. 1067.

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

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

Creighton-Smith/Nichols
to close the hearing. Voice vote-Ayes: Five. Motion carried.

Creighton-Smith/Nichols
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-440.

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

FY23 Wastewater Treatment Plant Clarifier No. 3 Contract No. 1067

Bidder	Bid Security	Bid Amount
WRH, Inc. South Amana, IA	5%	$842,000.00
Tricon Construction Group Dubuque, IA	5%	$984,000.00
Woodruff Construction Waterloo, IA	5%	$1,037,895.00

Creighton-Smith/Nichols
Resolution approving award of bid to WRH of South Amana, Iowa in the amount of $842,000.00, approving the contract, bonds, and certificate of insurance, in conjunction with the 2023 Final Clarifier No. 3 Rehabilitation Project, Contract No. 1067, and authorizing the Mayor to execute said documents. Roll Call vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-441.

RESOLUTIONS

Resolution approving a Real Estate Purchase Agreement and approving deed to donate real property to the City of Waterloo, to re-acquire property from Ascension Lutheran Church that was previously sold by the City of Waterloo, in the amount of $0.00, located at 2211 Maynard Avenue, and authorizing the Mayor and City Clerk to execute said purchase agreement.

Grieder/Nichols
Roll Call Vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-442.

Resolution approving a Real Estate Purchase Agreement with A-Line Ventures, LC, and approving a deed to sell real property to the City of Waterloo in the amount of $7,000.00, located at 200 East Mullan Avenue, and authorizing the Mayor and City Clerk to execute said document.

Grieder/Nichols
Roll Call Vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-443.

Mr. Boesen commented that this is an odd location for purchasing property and questioned if this has been assessed for asbestos.

Noel Anderson, Community Planning and Development Director, explained the City has property located near the Crystal site and has been working on a partnership in acquiring like properties for potential commercial re-development. A Phase I Environmental Assessment has been done and a Phase II would be performed if this item were approved by the council.

Resolution approving an Early Access Agreement with C and C Welding, Inc., to allow development activities, including earth moving and construction of a foundation on the city-owned right-of-way, adjacent to 1714 River Street, and authorizing the Mayor and City Clerk to execute said document.

Grieder/Nichols
Roll Call Vote-Ayes: Five. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-444.

CLOSED SESSION

Closed session to discuss litigation with counsel, pursuant to Iowa Code Section 21.5(1)(C).

Feuss/Nichols
to adjourn to a closed session at 6:23 p.m. to discuss potential litigation with counsel, pursuant to Iowa Code Section 21.5(1)(c). Roll Call vote-Ayes: Five. Motion carried.

Nichols/Feuss
to adjourn from the closed session at 6:49 p.m. Voice vote-Ayes: Five. Motion carried.

ADJOURNMENT

Nichols/Feuss
that the Council adjourn at 6:50 p.m. Voice vote-Ayes: Five. Motion carried.

Kelley Felchle
City Clerk