



**THE CITY COUNCIL OF WATERLOO, IOWA
REGULAR SESSION TO BE HELD AT
Harold E. Getty Council Chambers
Monday, August 21, 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 the Crossroads Mall area into a sports/recreation-themed gravitational center.
6. Power Up Downtown: Keep Waterloo's 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 REGULAR SESSION AGENDA

- A. Iowa Code Chapter 21 gives the public the right to attend council meetings, but it does not require cities to allow public participation except during public hearings. The public

is required to follow the rules listed in this article when speaking during any meeting of the city council.

- B. At the presiding officer's discretion, individuals may address the presiding officer by stepping to the podium, and after recognition by the presiding officer, shall state their name, address, and group affiliation, if appropriate, and speak clearly into the microphone.
- C. Comments shall be germane and refrain from personal, impertinent, or slanderous remarks.
- D. Cell phones and electronic devices shall be set to silent prior to the start of the meeting.

RULES FOR PUBLIC COMMENT SECTION OF THE AGENDA

- A. Individuals shall speak one (1) time on only one (1) issue for a maximum of three (3) minutes During the public comment section of the agenda. The public shall not be required to pre-register to speak during public comment. Individuals shall only speak on matters not listed on the regular agenda for that date. Any matter presented shall be directed to the presiding officer and addressed, if necessary, after the meeting.
- B. Council members may speak during public comment portion of the agenda after the public has finished speaking
- C. City staff shall not be required to provide an immediate answer to a matter presented during a council meeting unless it specifically pertains to an item on the agenda

RULES FOR PUBLIC COMMENT DURING PUBLIC HEARINGS

Individuals may speak during the public comment portion of a scheduled public hearing for a maximum of three (3) minutes or may submit written comments to the city clerk by four o'clock (4:00) P.M. on the day of the public hearing. Groups of citizens with similar viewpoints are encouraged to select a representative to share the viewpoint of the group.

RULES FOR PUBLIC COMMENT DURING AGENDA ITEMS

At the discretion of the presiding officer, individuals may speak for a maximum of three (3) minutes when the council discusses agenda items. This section does not apply to businesses or parties directly involved in agenda items.

Roll Call.

Prayer or Moment of Silence.

Pledge of Allegiance, Kelley Felchle, City Clerk.

Approval of Agenda, as proposed or amended.

Approval of Minutes of July 31, 2023, Council Planning Session as proposed or

amended.

Approval of Minutes of August 7, 2023, Council Regular Session as proposed or amended.

PUBLIC COMMENTS

Iowa Code Chapter 21 gives the public the right to attend council meetings but it does not require cities to allow public participation except during public hearings. The City of Waterloo encourages the public to participate during the Oral Presentations by following the rules listed on the front of the agenda.

CONSENT AGENDA

The consent agenda is reserved for routine resolutions and motions, acted upon by roll call vote on a single motion without discussion. Council shall either vote yea or nay when the roll is called. Council members may request that an item be removed from the consent agenda and considered separately. Such a request does not require a second. The public shall be prohibited from requesting that items listed on the consent agenda be removed and considered separately. The public may contact council members with questions regarding consent agenda items. 1-4A-16(A)(8).

1. Bills Payment, Finance Committee Invoice Summary Report, a copy of which is on file in the office of the City Clerk.
2. Resolution approving the Audit Engagement Letter with BerganKDV for the fiscal year ending June 30, 2023, and authorizing the Mayor to execute said document.
3. Resolution approving request of Khristine Kelson, for a waiver for a concrete driveway, located at 614 Indiana Street, and authorizing the construction of an asphalt driveway and placing a driveway or sidewalk on City-owned right-of-way on an unimproved street.
4. Resolution approving the request of Martin Hoel for a waiver for a concrete driveway, located at 606 Beverly Hills Street, with the elimination of the sidewalk section due to inability to meet grade requirements.
5. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as September 7, 2023 and date of public hearing as September 18, 2023, in conjunction with the FY 2024 Sidewalk Repair Assessment Program - Zone 3, Contract No. 1082, and instruct the City Clerk to publish notice.
6. Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Lodge Construction, Inc., of Clarksville, Iowa in the amount of \$303,947.40, in conjunction with the FY 2021 Upton Avenue and Carriage Hill Drive Stormwater Improvements Project, Contract No. 1010, and receive and file a two-year maintenance bond.
7. Resolution rescinding Resolution No. 2022-633 in its entirety, a Development Agreement with Youngblut Farms, Ltd., in the amount of \$300,000.00, regarding the purchase of 1.55 acres of land, located northeast of 3173 Titan Trail.
8. Resolution accepting the Proposal for Comprehensive Downtown Study from Fishbeck in the amount of \$46,327.00 with optional services of additional data collection dates, in the

amount of \$2,204.00, geolocation and condition of street meters, in the amount of \$4,600.00, and initial findings 50 percent workshop (onsite), in the amount of \$4,240.00.

9. Resolution approving the cancellation of assessments for properties listed on Exhibit A, and authorizing the City Clerk to notify the Black Hawk County Treasurer of said cancellation.
10. Resolution approving renewal of crime and fidelity insurance policy with Travelers Insurance, effective September 15, 2023 through September 15, 2024, for a total premium of \$3,741.00.
11. Resolution approving award of hotel/motel tax council discretionary funds to Waterloo Leisure Services in the amount of \$15,000.00 for the FY 2024 Golf Marketing Campaign and \$15,000.00 for the FY 2024 SportsPlex Marketing Campaign.
12. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as September 14, 2023, and date of public hearing as September 18, 2023, in conjunction with the Prefabricated Shelter at 3233 Ansborough Avenue Project, Contract No. 1087, and authorizing the City Clerk to publish notice.
13. Motion approving Change Order No. 1 with Brock Even Construction, LLC, of Jesup, Iowa, for a net increase of \$53,839.48, in conjunction with 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 document.
14. Motion approving Change Order No. 9 with Vieth Construction Corporation, of Cedar Falls, Iowa, for a net increase of \$66,810.00, in conjunction with the FY 2022 Sullivan Brothers Plaza Renovation, Contract No. 1069, and authorizing the Mayor and City Clerk to execute said document.
15. Motion approving Solicitation Registration Application by Randy Miller, on behalf of AMVETS Post 31, to raise funds for future Honor Flights.
16. Communication from the Waste Management Services Department on the notice of the conclusion of employment of John Hyman, ICT Foreman, effective July 12, 2023, with recommendation of approval of payout of \$3,851.75 for unused benefits.
17. Communication from the Police Department on the notice of the conclusion of employment of James Oliver, police officer, effective August 2, 2023, with recommendation of approval of payout of \$10,482.15 for unused benefits.
18. **Eric Donat**, Board/Commission: Human Rights Commission, Expiration Date: 8/21/2026, New
19. **Kristin Schaefer** Board/Commission: Planning and Zoning Commission Expiration Date: 8/21/2026 New
20. Motion approving appointment of William Castle to the position of Assistant City Engineer in the Engineering Department, effective August 22, 2023.
21. Motion approving appointment of Ron Bailey from the current Civil Service List to the

position of Garage Mechanic in the Central Garage Department, effective August 22, 2023, pending pre-employment physical and drug testing.

22. Motion approving appointment of Mohammad Elahi from Interim Traffic Operations Director to the position of Traffic Operations Director in the Public Works Traffic Department, effective August 22, 2023.

23. Board of Adjustments Regular Meeting minutes May 23, 2023.

24. Board of Adjustment Regular Meeting minutes June 27, 2023.

25. Airport Board minutes of June 28, 2023.

26. Liquor Licenses

- a. Brenda's Park Road Inn, 306 Park Rd., Class C Alcohol w/Sunday Sales (Renewal) Exp: 8/8/2024.
- b. Casey's General Store #2880, 1604 La Porte Rd., Class E Alcohol w/Sunday Sales (Renewal) Exp: 9/30/2024.
- c. Narey's 19th Hole, 2073 Logan Ave., Class C Alcohol w/Sunday Sales (Renewal) Exp: 8/22/2024.
- d. Casey's General Store #2879, 3260 University Ave., Class E Alcohol w/Sunday Sales (Renewal) Exp: 9/30/2024.
- e. Dollar General #7136, 66 E. Tower Park Dr., Class B Alcohol w/Sunday Sales (New) Exp: 2/29/2024.
- f. Kwik Star #229, 1717 E. San Marnan Dr., Class B Alcohol w/Sunday Sales (Renewal) Exp: 9/24/2024.
- g. Hy-Vee Fast & Fresh #3, 1512 Flammang Dr., Class B Alcohol w/Sunday Sales (New) Exp: 8/27/2024.
- h. Prime Mart 3, 1008 La Porte Rd., Class E Alcohol w/Sunday Sales (Renewal) Exp: 6/12/2024.

27. Motion approving Cigarette/Tobacco Permit Applications:

- a. Elite Mobile, 2016 Sears Street
- b. SHWE NYIKO Market, 911 Commercial Street
- c. Broadway Liquor, 821 Broadway Street
- d. All in Grocers, 221 Franklin Street

28. Motion approving Application for Fireworks Display: UAW Appreciation Event, September 23, 2023, Riverfront Stadium, beginning at 8:00 p.m.

29. Bonds.

PUBLIC HEARINGS

1. Adoption of the 2023 Waterloo Comprehensive Land Use Plan Update.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close public hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Resolution adopting the 2023 Waterloo Comprehensive Land Use Plan Update.

Submitted by: Noel Anderson, Community Planning and Development Director

2. Request by the City of Waterloo to vacate 11,250 square feet of the San Marnan right-of-way in the “S-1” Shopping Center District located north of 2775 Crossroads Boulevard.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close the hearing and receive and file oral and written comments, and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion to receive, file and consider and pass for the first time an ordinance approving a request by the City of Waterloo to vacate 11,250 square feet of the San Marnan right-of-way in the “S-1” Shopping Center District located north of 2775 Crossroads Boulevard, subject to the retention of a public utility easement over the northeasterly 30 feet of said parcel and a public utility easement over the northwesterly 10 feet of said parcel.

Motion to suspend the rules.

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

Submitted by: Noel Anderson, Community Planning and Development Director

3. Request by Bryant Cizek on behalf of C&C Welding, Inc., to vacate approximately a 66-foot by 132-foot section of W. 16th Street right-of-way, adjacent to 1714 River Street, in the M-1 Light Industrial District.

Motion to receive and file proof of publication of notice of public hearing

HOLD HEARING - No Comments on File

Motion to close hearing and receive and file oral and written comments and recommendations of approval of the Planning, Programming and Zoning Commission.

Motion to receive, file and consider and pass for the first time an ordinance approving a request by Bryant Cizek on behalf of C&C Welding, Inc., to vacate approximately a 66-foot by 132-foot section of W. 16th Street right-of-way adjacent to 1714 River Street, subject to the retention of access easements and utility easements over portions of the vacate area.

Motion to suspend the rules.

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

Submitted by: Noel Anderson, Community Planning and Development Director

4. Request by the City of Waterloo to vacate 157,048 square feet of West Airline Highway from 3469 West Airline Highway to 2950 Geraldine Road, with the exception of a 21,105 square feet section of City-owned right-of-way at 3469 West Airline Highway that was previously vacated, located in the “M-1” Light Industrial District.

Motion to receive and file proof of publication of notice of public hearing

HOLD HEARING - No Comments on File

Motion to close hearing and receive and file oral and written comments and recommendations of approval of the Planning, Programming and Zoning Commission.

Motion to receive, file and consider and pass for the first time an ordinance approving a request by the City of Waterloo to vacate 157,048 square feet of West Airline Highway

from 3469 West Airline Highway to 2950 Geraldine Road, with the exception of a 21,105 square foot section of City-owned right-of-way at 3469 West Airline Highway that was previously vacated, subject to the retention of a drainage easement and an utility easement over, under, upon, and across the entire vacated area.

Motion to suspend the rules.

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

Submitted by: Noel Anderson, Community Planning and Development Director

5. Request by 3 Stooges, LLC, for a Site Plan Amendment for a new 8,980 square foot commercial building in the “M-2, P” Planned Industrial District located south of 4050 Leversee Road.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close public hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion 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 3 Stooges, LLC, for a Site Plan Amendment for a new 8,980 square foot commercial building in the “M-2, P” Planned Industrial District located south of 4050 Leversee Road.

Motion to suspend the rules.

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

Submitted by: Noel Anderson, Community Planning and Development Director

6. Request by 3 Stooges, LLC, for a Site Plan Amendment for two new 4,800 square foot commercial buildings in the “C-P” Planned Commercial District located north of 2117 Falls Avenue.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close public hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion 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 3 Stooges, LLC, for a Site Plan Amendment for two new commercial buildings in the “C-P” Planned Commercial District located north of 2117 Falls Avenue.

Motion to suspend the rules.

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

Submitted by: Noel Anderson, Community Planning and Development Director

7. Sale and conveyance of City-owned property in the amount of \$1.00 to 3 Stooges, LLC, for the construction of a 9,000 square foot commercial building, with a minimum assessed value of \$350,000.00, including a Development and Minimum Assessment Agreement, with a tax rebate schedule of five years at 50 percent, located south of 130 Hyper Drive.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close hearing and receive and file oral and written comments.

Resolution approving the sale and conveyance of City-owned property located south of 130 Hyper Drive to 3 Stooges, LLC, in the amount of \$1.00, and authorizing the Mayor and City Clerk to execute said documents.

Resolution approving a Development and Minimum Assessment Agreement with 3 Stooges, LLC, for the construction of a new 9,000 square foot commercial building, with a minimum assessed value of \$350,000.00, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

- 8. Sale and conveyance of City-owned property located east of 2200 Falls Avenue in the amount of \$1.00, and to approve a Development Agreement with 3 Stooges, LLC, with a Minimum Assessment Agreement of \$500,000.00 for the construction of two 4,800 square foot commercial buildings.**

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close hearing and receive and file oral and written comments.

Resolution approving the sale and conveyance of City-owned property located east of 2200 Falls Avenue to 3 Stooges, LLC, in the amount of \$1.00, and authorizing the Mayor and City Clerk to execute said documents.

Resolution approving a Development and Minimum Assessment Agreement with 3 Stooges, LLC, for the construction of two 4,800 square foot commercial buildings, with a minimum assessed value of \$500,000.00, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

- 9. Request by A&K Venture for a Site Plan Amendment for a new 6,618 square foot commercial building and a future 6,000 square foot addition located in the "B-P" Business Park District located north of 3151 Titan Trail.**

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close public hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion 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 A&K Venture for a Site Plan Amendment for a new 6,618 square foot commercial building and a future 6,000 square foot addition located in the "B-P" Business Park District located north of 3151 Titan Trail.

Motion to suspend the rules.

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

Submitted by: Noel Anderson, Community Planning and Development Director

- 10. Sale and conveyance of City-owned property located near 1714 River Street, in the amount of \$1.00, to C & C Welding, Inc., and approving a Development and Minimum Assessment Agreement of \$550,000.00 for the construction of a 10,000 square foot industrial building.**

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close hearing and receive and file oral and written comments.

Resolution approving the sale and conveyance of City-owned property located near 1714 River Street in the amount of \$1.00, to C&C Welding, Inc., and authorizing the Mayor and City Clerk to execute said documents.

Resolution approving a Development and Minimum Assessment Agreement with C&C Welding, Inc., for the construction of a new 10,000 square foot industrial building, with a minimum assessed value of \$550,000.00, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

11. Request by Howard Allen on behalf of Grant Park, LLC, for a Site Plan Amendment for a new retail center in the "S-1" Shopping Center District located at 2775 Crossroads Boulevard.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close public hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion 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 Howard Allen on behalf of Grant Park, LLC, for a Site Plan Amendment for a new retail center in the "S-1" Shopping Center District located at 2775 Crossroads Boulevard.

Motion to suspend the rules.

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

Submitted by: Noel Anderson, Community Planning and Development Director

RESOLUTIONS

1. Resolution approving the sale and conveyance of City-owned property, located north of 2775 Crossroads Boulevard, to Grant Park, LLC, in the amount of \$1.00, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Noel Anderson, Community Planning and Development Director

2. Resolution approving a Development and Minimum Assessment Agreement with Grant Park, LLC, for the construction of a new 10,000 square foot Commercial Building with a minimum assessed value of \$2,200,000.00, with a rebate schedule of 80 percent for years one through five and 70 percent for years six through ten, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

3. Resolution approving an Amendment to a Purchase Agreement with A-Line Ventures, LC, originally executed July 17, 2023, pertaining to the purchase of property located at 200 East Mullan Avenue, to allow a Phase II environmental assessment to investigate environmental conditions, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

4. Resolution approving Young Arena Ice Rental Rates Schedule for the 2023-2024 seasons.

Submitted by: Paul Huting, Leisure Services Director

5. Resolution approving Supplemental Agreement No. 8 to a Professional Services Agreement with Wayne Claassen Engineering and Surveying, Inc., of Waterloo, Iowa, originally executed October 10, 2016, in an amount not to exceed \$6,000.00, in conjunction with the FY 2017 Hammond Avenue Bridge Replacement Over Sink Creek Project, Contract No. 922, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Jamie Knutson, City Engineer

6. Resolution approving a Collateral Assignment of Infrastructure Development Agreement between the City of Waterloo and Farmers State Bank, related to the development of North Crossing, located at the northeast corner of East Donald Street and Logan Avenue (Highway 63).

Submitted by: Noel Anderson, Community Planning and Development Director

7. Resolution approving a Memorandum of Understanding with the Iowa Department of Revenue for continued participation in the State Income Offset Program, and authorizing the Mayor to execute said document.

Submitted by: Kelley Felchle, City Clerk

8. Resolution approving a Letter of Intent with Trillium Transportation Fuels, LLC, of Houston, Texas, for the design, construction, and operation of renewable natural gas projects at the City's wastewater treatment plant and anaerobic lagoon, and authorizing the Mayor to execute said document.

Submitted by: Randy Bennett, Public Works Division Manager

ORDINANCES

1. **An ordinance amending the City of Waterloo Traffic Code by repealing Subsection (46) Martin Luther King Jr. Drive of Sec. 541, Increasing Speed Limits in Certain Areas, in its entirety, and inserting in lieu thereof a new Subsection (46) Martin Luther King Jr. Drive of Section 541, Increasing Speed Limits in Certain Areas.**

Motion to receive, file, consider, and pass for the second time an ordinance amending the City of Waterloo Traffic Code by repealing Subsection (46) Martin Luther King Jr. Drive of Sec. 541, Increasing Speed Limits in Certain Areas, in its entirety, and inserting in lieu thereof a new Subsection (46) Martin Luther King Jr. Drive of Section 541, Increasing Speed Limits in Certain Areas.

Motion to suspend the rules.

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

Submitted by: Randy Bennett, Public Works Division Manager

2. **Conversion therapy ordinance amendment.**

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

Motion to suspend the rules.

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

Submitted by: Kelley Felchle, City Clerk

OTHER COUNCIL BUSINESS

1. Resolution approving proposed construction of sidewalk improvements.
Resolution to fix value of lots.
Resolution to adopt proposed plat and schedule of assessments and estimate of costs.
Resolution of necessity and setting date of public hearing as September 18, 2023.

Submitted by: Jamie Knutson, City Engineer

ADJOURNMENT

Motion to adjourn.

Kelley Felchle
City Clerk