August 21, 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, August 21, 2023.

Roll Call.

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

Prayer or Moment of Silence.

Pledge of Allegiance, Kelley Felchle, City Clerk.

Approval of Agenda, as proposed or amended.

Feuss/Wilder
that the agenda, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

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

Feuss/Wilder
that the minutes of July 31, 2023, Council Planning Session, as proposed, by approved. Voice vote-Ayes: Seven. Motion carried.

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

Ray Feuss/Nia Wilder
that the minutes of August 7, 2023, Council Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

Grieder/Wilder
to move Ordinance Item No. 2 to follow Public Comments on the Consent Agenda. Voice vote-Ayes: Six. Nays: One (Boesen). Motion carried.

PUBLIC COMMENTS

Mary Potter 1416 W. 4th Street, shared information regarding an event supporting the Grout Museum.

Todd Obadal, 124 Amity Drive, spoke regarding transparency of the city and made allegations regarding the notice provided for the special session on August 14, 2023.

Beverly Cosby, 315 Wendell Ct., questioned if Smokey Row could be designated as a historic district.

Dwayne Ehilers, 1605 Bishop Street, commented on code enforcement violations.

Karen Johnson, 209 Zachary Ct., requested a status update on a grocery store on Franklin St. Questioned if there have been public updates on the new cameras downtown.

Mayor Hart provided comments on the grocery store on Franklin Street. Chief Leibold and Mayor Hart provided an update on the new safety cameras downtown.

Michael Blackwell, 5125 Millennium Drive, Cedar Falls, provided comments on racial disparities.

Feuss/Chiles
to close public comments. Voice vote-Ayes: Seven. Motion carried.

CONSENT AGENDA

Feuss/Nichols
that the following items on the consent agenda be received and placed on file including the payment of bills for August 14, 2023, in the amount of $3,487,529.98, and August 21, 2023, in the amount of $2,267,650.65. 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. 2023-495.

Resolution approving the Audit Engagement Letter with BerganKDV for the fiscal year ending June 30, 2023, and authorizing the Mayor to execute said document.

Resolution adopted and upon approval by Mayor assigned No. 2023-496.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-497.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-498.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-499.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-500.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-501.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-502.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-503.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-504.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-505.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-506.

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.

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.

Motion approving Solicitation Registration Application by Randy Miller, on behalf of AMVETS Post 31, to raise funds for future Honor Flights.

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.

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.

**Eric Donat,** Board/Commission: Human Rights Commission, Expiration Date: 8/21/2026, New

**Kristin Schaefer** Board/Commission: Planning and Zoning Commission Expiration Date: 8/21/2026 New

Motion approving appointment of William Castle to the position of Assistant City Engineer in the Engineering Department, effective August 22, 2023.

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.

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.

Board of Adjustments Regular Meeting minutes May 23, 2023.

Board of Adjustment Regular Meeting minutes June 27, 2023.

Airport Board minutes of June 28, 2023.

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.

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

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

Bonds.

Conversion therapy ordinance amendment.

Feuss/Chiles
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. Roll Call vote-Ayes: Four. Nays: Three (Creighton-Smith, Grieder and Wilder). Motion carried.

Chad Mohammad, 3641 Kimball Avenue, shared that he is a licensed therapist and commented on the troubling practice of conversion therapy and the efforts being made to protect members of the queer community.

Karen Johnson, 209 Zachary Ct., commented that parents should be able to raise their families the way that they want their family to be nurtured and raised.

AnnaLee Hollingsworth, 5737 Foulk Road, spoke against repealing the ordinance.

David Dryer, 3145 W. 4th Street, spoke in favor of repealing the ordinance.

Todd Obadal, 124 Amity Drive, spoke in favor of repealing the ordinance.

Forest Dillavou, 1725 Huntington Road, commented on the importance of transparency to minimize speculation.

Michael Gaines, 2178 Grand Blvd., commented on conversion therapy and the rights of children to not be subjected to a practice that is harmful and does not work.

Alia Raman, 223 Southbrook Drive, spoke against repealing the ordinance.

Sam Blatt, 107 Lafayette Street, spoke against repealing the ordinance.

Damian Thompson, Director of External Relations - Iowa Safe Schools, explained the purpose of the organization he works for and spoke against repealing the ordinance.

Mr. Grieder commented that numerous people have contacted him over the last 72 hours about the ordinance and out of those, just one of them asked him to repeal the ordinance. He reiterated his position on the importance of this ordinance. He asked his colleagues not to repeal the ordinance.

Ms. Wilder thanked everyone for getting up to share their thoughts. She shared that she would not vote to repeal the ordinance.

Mr. Nichols commented that if this ordinance is repealed tonight, the ability remains for individuals to report violations to the Iowa DHS and board of professional licensure with or without the ordinance.

Mr. Feuss concurred with Mr. Nichols comments.

Ms. Creighton-Smith thanked everyone for getting up to speak at the meeting and those that reached out to her. She expressed her hope that the community will continue to show such care and concern, but also courage to do the right thing and fight for human rights and equity.

Mr. Chiles commented on how difficult this topic is. He reiterated his concern from the very beginning over the legality of this ordinance and stated that this is not the venue for this fight and that we must work within the laws of the state. He shared that he must vote within his duties as a councilmember and would vote to repeal the ordinance.

Mr. Boesen commented that though he appreciates Mr. Grieder's passion on this issue, even if this repeal fails, it will eventually be rescinded as it is out of our hands. We will be forced to rescind this ordinance and it just depends at what cost.

Mr. Grieder stated that it is never hard to do the right thing. He clarified that this ordinance has not created division. What is divisive are those who have called us Nazis, those that drive by yelling slurs and threatening him and his family. He asked his colleagues again to please keep the ordinance because it is the right thing to do.

Mayor Hart commented that the important thing going forward is to seek ways for the community to be inclusive.

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

Feuss/Chiles
to receive, file, consider, and pass for the third time and adopt said ordinance. Roll Call vote-Ayes: Four. Nays: (Creighton-Smith, Grieder and Wilder). Motion carried.

PUBLIC HEARINGS

Adoption of the 2023 Waterloo Comprehensive Land Use Plan Update.

Feuss/ 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.

Karen Johnson, 209 Zachary Ct., questioned how a citizen finds out information about Planning and Zoning.

Noel Anderson, Community Planning and Development Director, provided an overview of the item and information about Planning and Zoning Board Meetings.

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

Feuss/Chiles
Resolution adopting the 2023 Waterloo Comprehensive Land Use Plan Update. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-507.

Mr. Boesen thanked everyone that took the time to put this plan together.

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.

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.

David Dryer, 3145 W. 4th Street, requested information about the item regarding ownership and development of the property, and said the question also goes for agenda items 4-11.

Noel Anderson, Community Planning and Development Director, provided an explanation of the vacate action.

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

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

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

Feuss/Nichols
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. 5713.

<u>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.</u>

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

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

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

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

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

NicholsWilder
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. 5714.

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.

Boesen/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.

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

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

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

Boesen/Feuss
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. 5715.

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.

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.

Forest Dillavou, 1725 Huntington Road, commented on items 5, 6, 7 and 8 and said that developers need to be held to the development timeline or pay a fine to help cover our losses. It's not fair to the citizens not to do so.

David Dryer, 3145 W. 4th Street questioned how much money we are investing in the properties.

Noel Anderson, Community Planning and Development Director, explained the city's financial investment in the items on the public hearing.

Mayor Hart commented that in some instances the Planning and Zoning Department is taking property that is not earning any tax dollars and turning it into a taxable property.

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

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

Nichols/Wilder
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 ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5716.

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.

Boesen/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.

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

Boesen/Nichols
to suspend the rules. Roll call vote-Ayes: Seven. Motion carried.

Boesen/Nichols
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. 5717.

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.

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

Feuss/Nichols
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. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-508.

Feuss/Nichols
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. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-509.

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.

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 public hearing. Voice vote-Ayes: Seven. Motion carried.

Boesen/Wilder
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. Roll call vote-Ayes: Seven. Resolution adopted and upon approval by Mayor assigned No. 2023-510.

Boesen/Wilder
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. Resolution adopted and upon approval by Mayor assigned No. 2023-511.

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.

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.

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

Nichols/Feuss
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. 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 ordinance. Roll call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5718.

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.

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.

Boesen/Creighton-Smith
to close public hearing. Voice vote-Ayes: Seven. Motion carried.

Boesen/Creighton-Smith
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. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-512.

Boesen/Creigton-Smith
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. Resolution adopted and upon approval by Mayor assigned No. 2023-513.

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.

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.

Beverly Cosby, 315 Wendell Ct., questioned what kind of retail will go into the area.

Mayor Hart provided an overview of the plan for the Crossroads area.

Grieder/Nichols
to close public hearing and receive and file oral comments and recommendation of approval of the Planning, Programming and Zoning Commission. Voice vote-Ayes: Seven. 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 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. Roll call vote-Ayes: Seven. Motion carried.

Grieder/Nichols
to suspend the rules. Roll call vote-Ayes: Seven. Motion carried.

Grieder/Creighton-Smith
to consider and pass for the second and third times and adopt ordinance. Roll call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5719.

RESOLUTIONS

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.

Nichols/Creighton-Smith
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-514.

Mr. Boesen questioned the value of the land.

Noel Anderson, Community Planning and Development Director, explained that the land was appraised at $124,000.00.

Mr. Boesen requested clarification of the tax rebates.

Noel Anderson clarified the tax rebates.

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.

Nichols/Creighton-Smith
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-515.

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.

Nichols/Creighton-Smith
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-516.

Mr. Boesen confirmed there had previously been a gas station on that corner and commented that the Development Agreement states that the City is assuming all liability if hazards are found in the ground.

Noel Anderson confirmed and explained that the risk is small and we were able to acquire the site for just $7,000.00. He stated that there are state funds available for the removal of underground storage tanks, if needed.

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

Creighton-Smith/Wilder
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor

assigned No. 2023-517.

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.

Creighton-Smith/Wilder
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-518.

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).

Creighton-Smith/Wilder
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-519.

Mr. Boesen requested an overview of the item.

Noel Anderson, Community Planning and Development Director, provided an overview of the item.

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.

Wilder/Creighton-Smith
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-520.

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.

Wilder/Creighton-Smith
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-521.

Mr. Grider expressed support for the item.

Mr. Boesen clarified that this is a letter of intent which allows time for both sides to work out any contractual details tomeet both of our needs.

Mayor Hart confirmed and stated that this is a huge step in the right direction.

Randy Bennett, Public Works Division Manager, commented that the department would still make CIP fund requests in the future, but the long term goal is that when we begin to receive income from this, it would help to offset that. He explained that we have now received approval from the EPA to begin a 1-year demonstration period where, over that year, we can demonstrate that we have no SSO's. This process is required and necessary in order to have the decent decree removed.

Mayor Hart acknowledged everyone in the Waste Management department for their hard work and efforts to get us to this point.

ORDINANCES

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.

Feuss/Nichols
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. Roll call vote-Ayes: Six. Nays: One (Creighton-Smith). Motion carried.

Beverly Cosby, 315 Wendell Ct., commented that she does not support increasing the speed on this road.

Ms. Creighton-Smith commented that this is her walking trail and someone hit a sign there and it was nearly covering the sidewalk. She expressed concern for raising the speed.

Mohammad Elahi provided an overview of the ordinance and clarified that only a small portion of the roadway would have an increased speed limit.

Ms. Wilder questioned the traffic score for that area and if the score were to change, would we be able to revisit the ordinance.

Mohammad Elahi commented on the traffic study that was done and confirmed the ordinance could be revisited if needed. He did not expect that to happen and explained why.

Feuss/Grieder
to suspend the rules. Roll call vote-Ayes: Six. Nays: One (Creighton-Smith). Motion carried.

Feuss/Nichols
to receive, file, consider, and pass for the third time and adopt said ordinance. Roll call vote-Ayes: Six. Nays: One (Creighton-Smith). Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5720.

OTHER COUNCIL BUSINESS

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.

Boesen/Creighton-Smith
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-522.

Boesen/Creighton-Smith
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-523.

Boesen/Creighton-Smith
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-524.

Boesen/Creighton-Smith
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-525.

ADJOURNMENT

that the Council adjourn at 7:45 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk