



**THE CITY COUNCIL OF WATERLOO, IOWA
REGULAR SESSION TO BE HELD AT
Harold E. Getty Council Chambers
Tuesday, September 5, 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, Ray Feuss, Ward 5 Council Member.

Approval of Agenda.

Approval of Minutes of the August 14, 2023, Special Session and the August 21, 2023,

Regular Council Session, as proposed or amended.

Proclamation declaring September 4-9, 2023 as Focus on Diabetes Awareness Week.

Proclamation declaring September 2023 as National Suicide Prevention and Action Month.

Proclamation declaring September 2023 as Hunger Action Month.

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 request of Jason Strelow for a waiver to use an asphalt overlay on the sidewalk section of the concrete approach located at 950 Sheerer Avenue.
3. Resolution approving the request of Patricia Mitchell for a waiver for a concrete driveway, located at 1327 Shultz Street, with the elimination of sidewalk section due to the inability to meet grade requirements.
4. Resolution approving installation of a speed hump close to 217 Shilliam Avenue.
5. Resolution authorizing an exception to the purchasing policy for the purchase of a 2020 Escape Hybrid, demo unit, for the Planning and Zoning Department, in the amount of \$34,190.00.
6. 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.
7. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as October 5, 2023, and date of public hearing as October 16, 2023, in conjunction with the FY 2022 Airline Passenger Terminal Parking Canopy Structure Project, Contract No. 0004232, and instruct the City Clerk to publish notice.
8. Resolution setting date of public hearing as September 18, 2023, for the sale and conveyance of city-owned property located at 3921 Midway Drive, in the amount of \$15,000.00, to Dustin Arends d/b/a Arends Investments, including a Development

Agreement, and instruct the City Clerk to publish notice.

9. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as September 21, 2023, and date of public hearing as October 2, 2023, in conjunction with Demolition and Site Clearance Services, Contract No. D-2023-09-06P, located at 1804 E. 4th Street, 637 Ankeny Street, 207 Lafayette Street, 208 Sunnyside Avenue, 212 Sunnyside Avenue, and 1318 Martin Road, and direct the City Clerk to publish notice.
10. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as September 13, 2023, and date of public hearing as September 18, 2023, in conjunction with the Waterloo Public Library 2023 Interior Renovation Project, Contract No. 28439, and direct City Clerk to publish said notice.
11. Motion to approve Change Order No. 8 with Vieth Construction Corporation of Cedar Falls, Iowa, for a net increase of \$3,162.50, in conjunction with the Five Sullivan Brothers Plaza Renovation Project, and authorizing the Mayor to execute said document.
12. Motion approving Change Order No. 2 with Woodruff Construction of Waterloo, Iowa, for a total decrease of \$28,896.99 in conjunction with the FY 2023 Gates Park Improvements Project, Contract No. 1076, and authorizing the Mayor and City Clerk to execute said document.
13. Motion approving Final Quantity Summary with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net decrease of \$24,612.66, in conjunction with the FY 2021 E. Shaulis Rd. Trail Extension - Phase II, Contract No. 1012, and authorizing the Mayor and City Clerk to execute said document.
14. 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 \$330,205.22, in conjunction with the FY 2021 E. Shaulis Rd. Trail Extension - Phase II, Contract No. 1012.
15. Motion approving Final Quantity Summary with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net decrease of \$38,651.61, in conjunction with the FY 2021 Commercial St., Katoski Drive, and Hawkeye Road, Right Turn Lane Reconstruction, Contract No. 1024, and authorizing the Mayor and City Clerk to execute said document.
16. 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 \$2,042,138.61 in conjunction with the FY 2021 Commercial Street, Katoski Drive and Hawkeye Road Right Turn Lane Reconstruction Project, Contract No. 1024, and receive and file a two-year maintenance bond.
17. Motion approving Final Quantity Summary with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net decrease of \$20,935.90, in conjunction with the FY 2022 Hyper Drive R.I.S.E. Project No. RM 8155(778)-9D-07, Contract No. 1051, and authorizing the Mayor and City Clerk to execute said document.
18. 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 2023 Sergeant Road

Trail Bridges No. 2 and No. 3 Replacement Project, Contract No. 1070, and authorizing the Mayor and City Clerk to execute said document.

19. 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 2023 Sergeant Road Trail Bridges No. 2 and 3 Replacement Project, Contract No. 1070, and receive and file a two-year maintenance bond.
20. Resolution rescinding Resolution No. 2022-508, approving a five-year business property lease agreement, rescinding Resolution No. 2022-509, authorizing the sale and conveyance of property in the South Waterloo Business Park for \$1.00, and rescinding Resolution No. 2022-510, approving a development agreement, all between the City of Waterloo and International Investment Risk Trust, LLC.
21. Motion approving Solicitation Registration Application by David Grimm, on behalf of Disabled American Veterans, to raise funds for Service to Veterans.
22. Motion approving appointment of **Kim Bahr** to the position of Assistance Finance Director in the Finance Department, effective September 6, 2023.
23. Tina Hummel Board/Commission: Community Development Board Expiration Date: 9/5/2026. Renewal
24. Liquor Licenses
 - a. Grout Museum, 503 South St., Special Class C Alcohol w/Sunday Sales (Renewal) Exp: 2/23/2024.
 - b. Family Dollar #21424, 1120 Franklin St., Class B Wine/C Beer w/Sunday Sales (Renewal) Exp: 8/8/2023.
 - c. K-Zar, 1761 Independence Ave., Class E Alcohol w/Sunday Sales (Renewal) Exp: 10/13/2024.
 - d. Mama Nick's Circle Pizzeria, 1934 Washington St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 9/9/2024.
 - e. Top of Iowa Lucky Wife, 257 Ansborough Ave., Suite 240, Special Class C Alcohol w/Outdoor Service and Sunday Sales (New/5-Day) Exp: 9/24/2023.
 - f. Queen of Peace Church, 320 Mulberry Ave., Special Class C Alcohol w/Outdoor Service and Sunday Sales (New/5-Day) Exp: 9/14/2023.
 - g. Applebee's 2780 Crossroads Blvd., Class C Alcohol w/Sunday Sales (Renewal) Exp: 6/23/2024.
 - h. Newton's Paradise Cafe, 128 E. 4th St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 9/17/2024.
 - i. Fraternal Order of Eagles, 202 E. 1st St., Class F Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 7/14/2024.
25. Motion approving Cigarette/Tobacco Permit Applications:
 - a. Placo Smoke & Vape Shop, 1010 E. Mitchell Ave., #8.
 - b. Kwik Star #715, 135 E. Ridgeway Ave.
26. Board of Adjustment Regular Meeting minutes July 25, 2023.

27. Historic Preservation Commission minutes of July 18, 2023.
28. Leisure Services Commission Board minutes of July 11, 2023.
29. Planning, Programming, and Zoning Commission minutes of July 11, 2023.
30. Bonds.

RESOLUTIONS

1. Resolution approving construction plans for grading, paving, water main, sanitary sewer, and storm sewer serving the Paradise Estates First Addition Phase 1, as submitted by YTT Design Solutions, of Cedar Rapids, Iowa, Sewage Treatment Agreement, DNR Form 29 (Nov 00) with the Department of Natural Resources, and final acceptance of construction plans subject to the review and acceptance by the Department of Natural Resources, and authorizing the Mayor to execute said documents.

Submitted by: Wayne Castle, PLS, PE, Assistant City Engineer
2. Resolution approving the award of hotel/motel tax council discretionary funds to Waterloo Leisure Services, in the amount of \$20,000.00, for the replacement of field turf at the SportsPlex.

Submitted by: Bridgett Wood, Finance Director
3. Resolution approving a 50-year Ground Lease Agreement with the Iowa Guard Bureau for approximately 3.18 acres at the Waterloo Regional Airport, effective September 1, 2023 - August 31, 2043, for future construction of a dedicated taxiway from the approach end of Runway 30 to the Southwest corner of the aircraft operations apron of the Army Aviation Support Facility, with an annual fee of \$1,050.00, and authorizing the Mayor and City Clerk to executed said document.

Submitted by: Keith Kaspari, Director of Aviation
4. Resolution approving Lease Agreement No. GS-06P-LIA00522, with the General Services Administration for 1,083 rental square feet of office space for the Department of Homeland Security dba the Transportation Security Administration for a term of 10 years (5 years fixed) commencing November 1, 2023 - October 31, 2033 (if both terms are executed), for an annual total of \$32,598.30 in airport department revenue, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Keith Kaspari, Director of Aviation
5. Resolution approving Memorandum of Understanding with the Iowa Department of Natural Resources to implement a Residential Tree Program, and authorizing the Mayor to execute said document.

Submitted by: Paul Huting, Leisure Services Director
6. Resolution approving a Purchase Agreement with FieldTurf USA of Calhoun, Georgia, in the amount of \$272,943.64, in conjunction with the Sportplex Field Turf Replacement Project, and authorizing the Mayor to execute said documents.

Submitted by: Travis Nichols, Facilities/Project Manager

7. Resolution approving a Professional Engineering Services agreement with ISG of Waterloo, Iowa in the amount of \$2,200.00, in conjunction with the Irving School Traffic Enhancement, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Mohammad Elahi, Traffic Operations Director

8. Resolution approving a request by the Overland Group on behalf of landowner Kim A. Vrbicek to petition voluntary annexation, to annex approximately 12.23 acres of land, generally located south of 5829 La Porte Road, for the purpose of constructing a Dollar General Store.

Submitted by: Noel Anderson, Community Planning and Development Director

9. Resolution approving a Temporary Easement Agreement with Fischels Holdings LLC, in the amount of \$210.87, for 886 square feet, located at 1102 South Street, in conjunction with the South Street and W. 9th Street Roundabout Construction Project, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

10. Resolution approving an Encroachment Agreement with Align Architecture on behalf of JSA Development to allow for a handicap ramp to be installed in the right-of-way in front of 716 Commercial Street.

Submitted by: Noel Anderson, Community Planning and Development Director

11. Resolution approving a Development and Ground Lease Agreement with the Waterloo Development Corporation for a period of eighteen months, in the amount of \$10.00, including a grant of \$2,695,704.00, for property located north of 250 Westfield Avenue, and authorizing the mayor and city clerk to execute said documents.

Submitted by: Noel Anderson, Community Planning and Development Director

ORDINANCES

1. **An ordinance amending the City of Waterloo Traffic Code by amending Section 553, No Parking Here to Corner, by adding subsection (80a) N. Hackett Road to Section 553 of the Traffic Code.**

Motion to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Traffic Code by amending Section 553, No Parking Here to Corner by adding Subsection (80a) N. Hackett Road to Section 553, of the Traffic Code as follows: (80a) N. Hackett Road; East side of the 100 block, 50 feet in a northerly direction from Rainbow Drive.

Motion to suspend the rules.

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

Submitted by: Randy Bennett, Public Works Division Manager

CLOSED SESSION

1. Executive Session on the purchase of Real Estate pursuant to Iowa Code Section 21.5(1)(j).
2. Executive Session on the purchase of Real Estate pursuant to Iowa Code Section 21.5(1)(j).
3. Executive Session on the purchase of Real Estate pursuant to Iowa Code Section 21.5(1)(j).

ADJOURNMENT

Motion to adjourn.

Kelley Felchle
City Clerk