September 5, 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 Tuesday, September 5, 2023.

Roll Call.

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

Prayer or Moment of Silence.

Pledge of Allegiance, Ray Feuss, Ward 5 Council Member.

Ray Feuss - Ward 5 Council Member.

Approval of Agenda.

Grieder/Wilder
that the agenda as amended to remove consent agenda item No. 8 to be considered at a later date, be approved. Voice vote-Ayes: Six. Motion carried.

Approval of Minutes of the August 14, 2023, Special Session and the August 21, 2023, Regular Council Session, as proposed or amended.

Grieder/Wilder
that the minutes for August 14, 2023, Special Session, and the minutes of August 21, 2023, Regular Session, as proposed, be approved. Voice vote-Ayes: Six. Motion carried.

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

Charles Pearson, 127 Adams Street, spoke regarding Civil Rights markers, approved by the Historical Preservation Commission, and feels the Civil Rights Interpretation Project done in 2016 should have been used by Zahn along with the Smokey Row Survey. Mr. Pearson also feels the Community should be aware of the 2016 Civil Rights Grant application submitted to the National Parks Service, as this is a disservice to the black community.

Mitchell DenHartog, 1013 Western Ave., spoke in his opposition to the council's repeal of the conversion therapy ordinance.

Lawrence Stumme, 1008 Lois Lane, spoke regarding what he feels are the dangerous and neglected living conditions in the predominantly black community, north of the Cedar River. Mr. Stumme provided a handout for the council.

Dr. Michael Blackwell, 5125 Millenium Drive, Cedar Falls, spoke regarding the EPA contamination study citing contaminated groundwater at the former Chamberlain site and suggested compensation for residents in the area.

Dwayne Eilers, 1205 1/2 Bishop Ave., commented on code enforcement and First Amendment violations.

George Meeks, 609 E. Donald Street, inquired about the Zahn historical study and questioned the qualifications of the author.

Noel Anderson, Community Planning and Development Director explained the City received a federal grant for the study and stated the historian had to have certain qualifications to be selected through a consultant selection process and that he is working on finding additional grant funds to continue with this work.

Mr. Meeks stated he has confidence in the council and appreciates Mr.Boesen's candor.

Todd Obadal, 124 Amity Drive, spoke regarding the transparency of the city and made allegations regarding compromised elections for the open 4th Ward seat and his objections to the time spent on the conversion therapy ordinance and the final repeal of that ordinance.

Mr. Grieder announced a public session on September 11, 2023.

Mr. Nichols reminded attendees of the Cedar Valley Diabetes event this weekend, encouraged the public to attend, and reminded everyone that the 2023 parade of homes is happening soon.

Ms. Creighton-Smith stated she also feels the Zahn historical report is inaccurate and leaves out information with regard to the black community and that there needs to be greater community input going forward. With regards to the homes in the community that are unsafe/ dilapidated and the Chamberlain site, she shares those concerns and appreciates the input from the community.

Grieder/Nichols
to close public comments. Voice vote-Ayes: Six. Motion carried.

CONSENT AGENDA

Grieder/Nichols
that the following items on the consent agenda be received, placed on file, and approved, including the payments of the bills for August 28, 2023, in the amount of $6,131,704.20 and September 5, 2023, in the amount of $2,052,597.75, be approved. Roll Call vote-Ayes: Six. 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 Pro Tem assigned No. 2023-526.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-527.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-528.

Resolution approving installation of a speed hump close to 217 Shilliam Avenue.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-529.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-530.

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 Pro Tem assigned No. 2023-531.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-532.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-533.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-534.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-535.

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.

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.

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.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-536.

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.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-537.

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.

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.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-538.

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.

Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-539.

Motion approving Solicitation Registration Application by David Grimm, on behalf of Disabled American Veterans, to raise funds for Service to Veterans.

Motion approving appointment of **Kim Bahr** to the position of Assistance Finance Director in the Finance Department, effective September 6, 2023.

Tina Hummel Board/Commission: Community Development Board Expiration Date: 9/5/2026. Renewal

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.

Motion approving Cigarette/Tobacco Permit Applications:
a. Placo Smoke & Vape Shop, 1010 E. Mitchell Ave., #8.
b. Kwik Star #715, 135 E. Ridgeway Ave.

Board of Adjustment Regular Meeting minutes July 25, 2023.

Historic Preservation Commission minutes of July 18, 2023.

Leisure Services Commission Board minutes of July 11, 2023.

Planning, Programming, and Zoning Commission minutes of July 11, 2023.

Bonds.

RESOLUTIONS

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.

Grieder/Nichols
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-540.

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.

Grieder/Nichols
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-541.

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.

Grieder/Nichols
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by the Mayor Pro Tem assigned No. 2023-542.

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.

Nichols/Grieder
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-543.

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.

Nichols/Grieder
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-544.

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.

Nichols/Grieder
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-545.

David Dreyer, 3145 W. 4th Street, questioned how long the turf has been in the Complex and how long will the new turf will last.

Paul Huting, Leisure Services Director explained, the current turf has worn spots and the seams split, creating a health hazard, that the current turf is ten years old, and that the new turf has a ten-year warranty but is expected to last longer.

Grieder commented that the use is good, space rentals has created revenue to help pay for the new turf, and that hotel-motel funds pay for some of the costs as events are held there.

Mr. Boesen requested an overview of the tree program.

Paul Huting explained the DNR is promoting the new National Forestry Service tree program to replace trees lost from the Emerald Ash Borer.

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.

Boesen/Nichols
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-556.

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.

Boesen/Nichols
Roll call vote-Ayes: One. Nays: Five. (Boesen, Nichols, Creighton-Smith, Grieder, Wilder). The resolution failed assigned No. 2023-547.

Robert Mews, 5925 Foulk Road, spoke in opposition to the Dollar General application, stating he is concerned about flooding in the area and that there were issues with the DOT with this project and the county engineer, this is a busy access area and would be a stand-alone business and not a good fit for the community.

Noel Anderson reviewed the history of the project and applications by Dollar General regarding the driveway off Hwy. 218, stated the City could rezone to match the existing property in that corridor and would be a good match and that, in terms of flooding and stormwater would have to follow Waterloo's current standards.

Mr. Boesen stated he is opposed to the application and further commercial development in the country. Mr. Boesen feels this is a congested, dangerous intersection that would make it worse, and that he could only support the project if they could guarantee a stop light at the intersection.

Mr. Grieder stated he shares Mr. Boesen's concerns, that this stretches City Services, and it's a busy corridor.

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.

Boesen/Nichols
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-548.

David Dreyer, 3145 W. 4th Street questioned why the easement is being signed after completion of the project.

Noel Anderson, Community Planning and Development Director explained several easements were signed during the project, and that this one was missed when the others were signed. Therefore, they are following up on it now.

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.

Boesen/Creighton-Smith
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-549.

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.

Boesen/Creighton-Smith
Roll call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor Pro Tem assigned No. 2023-550.

David Dreyer, 3145 W. 4th Street, asked for an explanation of the project.

Noel Anderson, Community Planning and Development Director explained the project is a hard court basketball and volleyball facility in the downtown area primarily for traveling team tournament rentals in partnership with the Sportsplex to draw those teams into the area. He further explained this is a Brownfields site, so the City is working with the contractor on the soil testing and removing contaminants to make it shovel-ready, which has to be done regardless of what project goes there.

Forest Dillavou, 1725 Huntington Road, feels the citizens of Waterloo need to know about the project as it is nearly three million dollars and questions what is in it for the taxpayers and the additional debt to taxpayers.

Jim Miller, 1734 Dakota Drive, Waterloo Development Corporation, explained this is a $39 million project, and ongoing operations will not fall on the city. WDC is currently doing fundraising for the project and the complex will bring teams from all over the Midwest and is a great opportunity for Waterloo.

Mr. Boesen stated he supports the project, but is disappointed in the lack of communication to the council. and asked that these projects be brought to the Council's attention sooner.
Ms. Creighton-Smith stated she agreed with Mr. Boesen.

ORDINANCES

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.

Grieder/Wilder
to receive, file, consider, and pass for the first time. Roll Call Vote-Ayes: Six. Motion carried.

Grieder/Wilder
to suspend the rules. Roll Call Vote-Ayes: Six. Motion carried.

Grieder/Wilder
to receive, file, consider, and pass for the second and third times and adopt said ordinance. Roll Call Vote-Ayes: Six. Motion carried. The ordinance adopted and upon approval by Mayor Pro Tem assigned No. 5721.

Mr. Grieder questioned if there were any public comments about this change.

Mohammad Elahi, Traffic Operations Director, explained the ordinance was developed as a result of public comment.

CLOSED SESSION

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

Grieder/Creighton-Smith
to adjourn to an executive session at 6:45 p.m. to discuss the purchase of real estate, pursuant to Iowa Code Section 21.5(1)(c). Voice vote-Ayes: Six. Motion carried.

Grider/Wilder
to adjourn from the executive session at 6:59 p.m. Voice vote-Ayes: Six. Motion carried.

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

Boesen/Wilder
to adjourn to an executive session at 7:00 p.m. to discuss the purchase of real estate with counsel, pursuant to Iowa Code Section 21.5(1)(c). Voice vote-Ayes: Six. Motion carried.

Nichols/Grieder
to adjourn from the executive session at 7:10 p.m. Voice vote-Ayes: Six. Motion carried.

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

Boesen/Nichols
to adjourn to an executive session at 7:10 p.m. to discuss the purchase of real estate with counsel, pursuant to Iowa Code Section 21.5(1)(c). Voice vote-Ayes: Six. Motion carried.

Grieder/Creighton Smith
to adjourn from the executive session at 7:22 p.m. Voice vote-Ayes: Six. Motion carried.

ADJOURNMENT

Nichols/Grieder
that the Council adjourns at 7:23 p.m. Voice vote-Ayes: Six. Motion carried.

Kelley Felchle
City Clerk