



**THE CITY COUNCIL OF WATERLOO, IOWA
REGULAR SESSION TO BE HELD AT
Harold E. Getty Council Chambers
Monday, September 18, 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 September 5, 2023, Council Regular Session as proposed or

amended.

Proclamation declaring September 23, 2023, as Women in Politics Day.

Proclamation declaring September 18-22, 2023 as Constitution Week.

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. A resolution stating the City will not use eminent domain powers for the installation of fiber optics as part of EDA Project Phase II Fiber Expansion, Grant No. 05-79-06185, and authorizing the Mayor and City Clerk to execute said document.
3. Resolution approving the sale of a Ford tractor in the amount of \$300.00 to Bob Stanley.
Submitted by: Noel Anderson, Community Planning and Development Director
4. Resolution approving the request of Jodi McKinstry, for a waiver for a concrete driveway, located at 930 Kingsley Avenue, approach on Vernon Avenue, and authorizing the construction of a concrete driveway and placing a driveway or sidewalk on the city right-of-way on an unimproved street.
5. Resolution setting date of public hearing as October 2, 2023, to approve a request by the City of Waterloo to vacate a 45-foot utility easement along the south property line of Lot 6 of Wagner Road Subdivision in the "M-1" Light Industrial District, located north of 3488 Wagner Road, and instruct the City Clerk to publish notice.
6. Resolution setting date of public hearing as October 2, 2023, to approve a request by M&MB Legacy for a Site Plan Amendment for a 5,990 square foot commercial building in the "M-2,P" Planned Industrial District, located southeast of 2425 GT Drive, and instruct the City Clerk to publish notice.
7. Resolution setting a date of public hearing as October 2, 2023, to approve a request by PMW Companies, LLC, for Site Plan Amendment in the "B-P Business Park District for commercial development including two 138,000 square foot buildings, one 20,000 square foot building, and one 5,000 square foot commercial building in phase one and

425,000 square feet of buildings in future phases located north and east of 4719 Ansborough Avenue at the southeast corner of the Ansborough Avenue and US Highway 20 interchange, and instruct the City Clerk to publish notice.

8. Resolution setting date of public hearing as October 2, 2023, for the sale and conveyance of city-owned property located at 628 W. Parker Street, in the amount of \$11,000.00, to Kevin E. Rose and Michelle L. Rose, including a Development Agreement, and instruct the City Clerk to publish notice.
9. Resolution setting date of public hearing as October 2, 2023, for the sale and conveyance of city-owned property located at 1525 Oakwood Drive, in the amount of \$15,100.00, to Castro Properties, LLC, including a Development Agreement, and instruct the City Clerk to publish notice.
10. 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 \$1,309,693.51, in conjunction with the FY 2022 Hyper Drive R.I.S.E. Project, Contract No. 1051, and receive and file a two-year maintenance bond.
11. Resolution approving cancellation of assessments for properties listed on Exhibit A, and authorizing the City Clerk to notify the Black Hawk County Treasurer of said cancellation.
12. Resolution approving a Variance to the Noise Ordinance Application from Chad Shipman, for the Iowa Oktoberfest event to be held on September 29 and 30, 2023, from 11:00 a.m. to 11:00 p.m., at 518 Sycamore Street, including live music and the use of a PA system.
13. Motion to receive and place on file the City of Waterloo's submitted 509A Application for Renewal and Statement of Actuarial Opinion for FYE2023.
14. Motion approving Change Order No. 3 with Municipal Pipe Tool Co., LLC, of Hudson, Iowa, for a net increase of \$64,081.50, in conjunction with FY 2023 CIP Pipelining Phase IVA3 Project, Contract No. 1063, and authorizing the Mayor to execute said document.
15. Motion approving the appointment of **Lontavius Jordan** from the current Civil Service list to the position of Rehab Specialist in the Community Development Department, effective October 2, 2023.
16. Motion approving appointment of **Yvonne Brimmer** to the position of Administrative Secretary in the Public Works Department, effective September 25, 2023, pending pre-employment physical and drug testing.
17. Motion approving the appointment of **Tracey Southall** from the current Civil Service list to the position of Housing Manager in the Community Development Department, effective September 25, 2023.
18. **Brandon Schoborg** Board/Commission: Planning and Zoning Commission Expiration Date: 9/18/2026 Renewal.
19. **Arlene Humble** Board/Commission: Airport Board Expiration Date: 9/18/2027 (New)

20. Communication from the Engineering Department on the notice of the conclusion of employment of Dennis Gentz, Assistant City Engineer, effective August 18, 2023, with recommendation of approval of payout of \$26,152.04 for unused benefits.
21. Communication from the Library Department on notice of the conclusion of employment of Kay Miller, Library Assistant, effective August 20, 2023, with recommendation of approval of payout of \$1,420.58 for unused benefits.
22. Communication from the Library Department on notice of the conclusion of employment of Deborah Aalfs, Library Assistant, effective August 19, 2023, with recommendation of approval of payout of \$5,511.53 for unused benefits.

23. Liquor Licenses

- a. Bamboo Ridge Campground, 4550 La Porte Rd, Class B Alcohol w/Sunday Sales (New) Exp: 9/13/2024.
- b. Landmark Commons, 1400 Maxhelen Blvd., Class F Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 8/31/2024.
- c. Prime Mart 5, 508 Broadway St., Class E Alcohol w/Sunday Sales (Renewal) Exp: 9/15/2024.
- d. All in Grocers, 221 Franklin St., Class E Alcohol w/Sunday Sales (New) Exp: 9/24/2024.
- e. Anton's Garden, 518 Sycamore St., Class C Alcohol w/Outdoor Service and Sunday Sales (New - Extending Outdoor Sales from 9/29-30/2023) Exp: 10/1/2023.

24. Bonds.

PUBLIC HEARINGS

1. Waterloo Public Library 2023 Interior Renovations Project, Contract No. 28439.

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.

Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed.

Motion to receive, file, and instruct the City Clerk to read the bids.

Resolution approving award of bid to Woodruff Construction of Waterloo, Iowa, base bid amount of \$289,700.00 with Alternate 2 deducted in the amount of \$25,000.00 for a total award of bid in the amount of \$264,700.00, approving the contract, bonds, and certificate of insurance, in conjunction with the Waterloo Public Library 2023 Interior Renovations Project, Contract No. 28439, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: David Eckert, Library Director

2. 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.

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 at 3921 Midway Drive, in the amount of \$15,000.00, to Dustin Arends d/b/a Arends Investments, and authorizing the Mayor and City Clerk to execute said documents.

Resolution approving a Development Agreement with Dustin Arends d/b/a Arends Investments, in conjunction with the demolition of the existing home at 3921 Midway Drive and construction of a duplex on the property, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

3. FY 2024 Sidewalk Repair Assessment Program - Zone 3 Project, Contract No. 1082.

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

HOLD HEARING - No comments on file.

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

Resolution adopting Proposed Resolution of Necessity, as proposed or amended.

Resolution approving proposed construction of sidewalk improvements.

Resolution to fix the value of lots.

Resolution to adopt proposed plat and schedule of assessments and estimate of costs.

Submitted by: Jamie Knutson, City Engineer

4. FY 2024 Sidewalk Repair Assessment Program - Zone 3 Project, Contract No. 1082.

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.

Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed.

Motion to receive, file, and instruct the City Clerk to read the bids.

Resolution approving award of bid to Brock Even Construction, LLC, of Jesup, Iowa, in the amount of \$171,241.25, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2024 Sidewalk Repair Assessment Program - Zone 3 Project, Contract No. 1082, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Jamie Knutson, City Engineer

5. Prefabricated Shelter at 3233 Ansborough Avenue Project, Contract No. 1087.

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.

Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed.

Motion to receive, file, and instruct the City Clerk to read the bids.

Resolution approving award of bid to _____ of _____ in the amount of \$_____, approving the contract, bonds, and certificate of insurance, in conjunction with the Prefabricated Shelter at 3233 Ansborough Avenue Project, Contract No.

1087, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Kelley Felchle, City Clerk

RESOLUTIONS

1. Resolution approving a Professional Services Agreement with Fishbeck of Kalamazoo, Michigan, in the amount of \$46,327.00, with optional services in the amounts of \$2,204.00 for additional data collection dates, \$4,600.00 for geolocation and condition of street meters, and \$4,240.00 for initial findings 50 percent workshop (onsite), in conjunction with the Comprehensive Downtown Parking Study, and authorizing the Mayor to execute said document.

Submitted by: Bridgett Wood, Finance Director

2. Resolution approving a Vehicle and Fuel Maintenance Agreement with the Municipal Telecommunications Utility of the City of Waterloo, in the amount of \$.05 per gallon above the price paid by City departments for fuel and \$56.00 per hour for vehicle maintenance Service Technician services, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Randy Bennett, Public Works Division Manager

3. Resolution approving an agreement with the Municipal Telecommunications Utility of the City of Waterloo, in the amount of \$1,000.00 per month for administrative office space and two parking stalls, cost to increase to \$2,000.00 per month as the utility expands and needs room for construction equipment, supplies mezzanine and outdoor space, \$45.00 per month per phone line, a pro-rated basis of electric utilities based on occupied square footage, and authorizing the Mayor and City Clerk to execute said documents.

Submitted by: Randy Bennett, Public Works Division Manager

4. Resolution approving the renewal of a Janitorial Services Agreement with Midwest Janitorial Service, Inc., of Hiawatha, Iowa, in the amount of \$11,399.62 per month, effective September 1, 2023, through August 31, 2025, and authorizing the Mayor to execute said document.

Submitted by: Greg Ahlhelm, Building Official

5. Resolution approving a Service Agreement with Electrical Engineering and Equipment Company of Des Moines, Iowa, in the amount of \$7,700.00 per year, for a period of three years ending August 2026, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Randy Bennett, Public Works Division Manager

ORDINANCES

1. **An ordinance establishing a sidewalk cafe program.**

Motion to receive, file, consider and pass for the first time an ordinance amending the City of Waterloo Code of Ordinances by establishing a new Article G, Sidewalk Cafe, of Chapter 4, Businesses Relating to Sales, of Title 3, Business and License Regulations. Motion to suspend the rules.

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

Submitted by: John Chiles, Ward 1 Council member

ADJOURNMENT

Motion to adjourn.

Kelley Felchle
City Clerk