September 18, 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, September 18, 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/Chiles
that the agenda as amended by adding the award of bid for Public Hearing Item 5 to CellSite Solutions, LLC, of Cedar Rapids, Iowa, in the amount of $121,500.00, and to remove Ordinance Item 1, an ordinance establishing a sidewalk cafe program, be approved. Voice vote-Ayes: Seven. Motion carried.

Approval of Minutes of September 5, 2023, Council Regular Session as proposed or amended.

Feuss/Chiles
that the minutes for September 5, 2023, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

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

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

PUBLIC COMMENTS

Mary Potter, 1416 W. 4th Street, shared information about upcoming events the Grout Museum is hosting in the month of October.

Rich Kurtenbach, 238 Normandy Street, spoke as a representative of IBEW 288, explaining that it has been one year since IBEW volunteers came to downtown Waterloo to hang lights in the Expo Center in downtown Waterloo. He shared that he wished the local news outlets had put more publicity out there about the tremendous volunteer work they provided.

Lawrence Stumme, 1008 Lois Lane, shared comments regarding dilapidated housing in Waterloo.

Michael Blackwell, 5125 Millennium Drive, Cedar Falls, questioned what the community will do to address and re-address racial disparity in our community.

Bobby Jo Paige, Grundy County, commented that she had sent a text message to EPA with her concerns and they responded. She shared her concerns about contaminated groundwater and that the city only has 18 inches of uncontaminated dirt. She said that the water that is contaminated is flowing west toward homes and questioned who is helping homeowners monitor their risks. She said EPA recommended ongoing monitoring and shared that EPA is not doing the monitoring.

Todd Obadal, 124 Amity Drive, commented on contamination at the old Chamberlain Manufacturing site due to its manufacture and assembly of munitions in the early 70's.

Forest Dillavou, 1725 Huntington Road, commented that at the last council meeting the city approved action to clean up a site at the former John Deere site for a proposed building. He shared he was told the funds would come from the downtown TIF and wanted to confirm that was true. He questioned who would manage the project.

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

CONSENT AGENDA

Feuss/Chiles
that the following items on the consent agenda be received and placed on file including the payment of bills for September 11, 2023, in the amount of $1,174,350.58, and September 18, 2023, in the amount of $2,521,954.86. 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. 2023-551.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-552.

Resolution approving the sale of a Ford tractor in the amount of $300.00 to Bob Stanley.

Resolution adopted and upon approval by Mayor assigned No. 2023-553.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-554.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-555.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-556.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-557.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-558.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-559.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-560.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-561.

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.

Resolution adopted and upon approval by Mayor assigned No. 2023-562.

Motion to receive and place on file the City of Waterloo's submitted 509A Application for Renewal and Statement of Actuarial Opinion for FYE2023.

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.

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.

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.

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.

Brandon Schoborg Board/Commission: Planning and Zoning Commission Expiration Date: 9/18/2026 Renewal.

Arlene Humble Board/Commission: Airport Board Expiration Date: 9/18/2027 (New)

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.

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.

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.

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.

Bonds.

PUBLIC HEARINGS

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

Grieder/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.

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

Grieder/Nichols
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-563.

David Eckert, Library Director, provided an overview of the renovation project.

Grieder/Nichols
to receive, file, and instruct the City Clerk to read the bids. Voice vote-Ayes: Seven. Motion carried.

Waterloo Public Library 2023 Interior Renovation Project, Contract No. 28439.
Engineer’s Estimate: $270,000.00 / Alt 1: $44,000.00 / Alt 2: $15,000.00 / Alt 3: $2,500.00

Woodruff Construction, Waterloo, IA - 5% Bid Security - Base Bid Amount: $289,700.00 / Alt 1 Deduct: $35,000.00 / Alt 2 Deduct: $25,000.00 / Alt 3 Deduct: $900.00

Grieder/Nichols
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. Resolution adopted and upon approval by Mayor assigned No. 2023-564.

<u>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.</u>

Chiles/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.

Chiles/Wilder
to close hearing. Voice vote-Ayes: Seven. Motion carried.

Chiles/Wilder
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. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-565.

Chiles/WIlder
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. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-566.

<u>FY 2024 Sidewalk Repair Assessment Program - Zone 3 Project, Contract No. 1082.</u>

Nichols/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.

Rebecca Curran, 1608 Scott Avenue, shared that she owns property located at 1429 W. 3rd Street and would like to appeal the proposed assessment on that property. She explained that they had completed work on the sidewalk in April and listed her reasons for requesting the appeal.

Mayor Hart commented on Ms. Curran's concerns and stated that engineering staff would be available for her to speak with following the public hearing.

Nichols/Chiles
to close the hearing and receive and file oral comments. Voice vote-Ayes: Seven. Motion carried.

Nichols/Chiles
Resolution adopting Proposed Resolution of Necessity, as proposed or amended. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-567.

Nichols/Chiles
Resolution approving proposed construction of sidewalk improvements. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-568.

Nichols/Chiles
Resolution to fix the value of lots. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-569.

Nichols/Chiles
Resolution to adopt the proposed plat and schedule of assessments and estimate of costs. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-570.

<u>FY 2024 Sidewalk Repair Assessment Program - Zone 3 Project, Contract No. 1082.</u>

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 and there were none.

Feuss/Wilder
to close the hearing. Voice vote-Ayes: Seven. Motion carried.

Feuss/Wilder
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-571.

Fuess/Wilder
to receive, file, and instruct the City Clerk to read the bids. Voice vote-Ayes: Seven. Motion carried.

FY 2024 Sidewalk Repair Assessment Program – Zone 3, Contract No. 1082
Engineer's Estimate: $299,952.21
Midwest Concrete, Inc., Peosta, IA - 5% Bid Security - $204,741.70

Brock Even Construction, LLC, Jesup, IA - 5% Bid Security - $171,241.25
JQ Construction, LLC, Washburn, IA - 5% Bid Security - $205,507.73

Feuss/Wilder
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. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-572.

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

Creighton-Smith/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.

David Dryer, 3145 W. 4th Street, questioned the purpose of the shelter and requested more transparency in the council communications.

Rich Kurtenbach, Telecommunications Utility Board of Trustees, provided an overview of the project and the prefabricated shelter.

Creighton-Smith/Chiles
to close the hearing and receive and file oral comments. Voice vote-Ayes: Seven. Motion carried.

Creighton-Smith/Wilder
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-573.

Creighton-Smith/Chiles
to receive, file, and instruct the City Clerk to read the bids. Voice vote-Ayes: Seven. Motion carried.

Prefabricated Shelter, Contract No. 1087
CellSite Solutions, Cedar Rapids, IA - 5% Bid Security - Base Bid Amount: $121,500.00 - No Alternate A bid provided.

Creighton-Smith/Chiles
Resolution approving award of bid to CellSite Solutions, of Cedar Rapids, Iowa, in the amount of $121,500.00, 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. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-574.

RESOLUTIONS

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.

Feuss/Chiles
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-575.

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.

Feuss/Chiles
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-576.

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.

Feuss/Chiles
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-577.

David Dryer, 3145 W. 4th Street, questioned who is the Municipal Telecommunications Utility, when it was formed and how the leases with the City would work.

Mayor Hart explained that the utility was formed in 2005 by a city-wide vote and that the utility will be paying the City of Waterloo to utilize our facility space, vehicle maintenance and fuel.

Randy Bennett, Public Work Division Manager, explained that the utility will provide their own vehicles and the city will provide fuel and maintenance.

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.

Creighton-Smith/Nichols
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-578.

Mr. Boesen asked that the janitorial service clean the council chambers more often.

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.

Creighton-Smith/Nichols
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-579.

ORDINANCES

Removed from agenda per amendment.

ADJOURNMENT

Feuss/Chiles
that the meeting adjourn at 6:28 p.m. Voice vote-Ayes: Six. Motion carried.

Kelley Felchle
City Clerk