November 6, 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, November 6, 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, Nia Wilder, Ward 3 Council member.

Approval of Agenda as proposed or amended.

Feuss/Creighton-Smith
that the agenda, as amended, by removing items 31 and 32 from the consent agenda, and adding item 33, be approved. Voice vote-Ayes: Seven. Motion carried.

Approval of Minutes of October 16, 2023, Council Regular Session as proposed or amended.

Feuss/Creighton-Smith
that the minutes for October 16, 2023, Regular Session, be approved. Voice voice-Ayes: Seven. Motion carried.

Proclamation declaring November 18, 2023 as National Injury Prevention Day.

Proclamation declaring November 13-19, 2023 as National Apprenticeship Week.

PUBLIC COMMENTS

Mary Potter, 1416 W. 4th, provided information about the Grout Museum and upcoming events.

Dan Trelka, 173 Graceline, shared that the Board of Supervisors wants to approach the City of Waterloo for an investment in a shared property evidence building.

Mayor Hart shared that there would be further discussion with council on the matter and the city looks forward to working with the county.

Bob Manning, Executive Director of Cedar Valley Home Builders Association, shared that tomorrow 64 lots will be opened around Orange School. He invited the public to the event tomorrow at 11:30 near the old school site on Kimball Avenue.

Larry Stumme, 1008 Lois Lane, shared comments regarding the disparity in Waterloo. He also shared that the Iowa Department of Health has just reported that the residents of Waterloo, Iowa have the highest rate of cancer in the state. Among the reasons cited include the industrial history of manufacturing plants located in residential neighborhoods.

Michael Blackwell, 5125 Millennium Drive, Cedar Falls, commented on the disparities in this area and the need for local government involvement.

Todd Obadal, 124 Amity Drive, spoke against the council's decision to remove the public swimming pool in an underserved neighborhood and stated that the decision trends toward continuing the disparity.

Matt Carpenter, 518 Jefferson Street, thanked everyone who has supported the re-opening of Carpenter's Diner.

Mr. Grieder encouraged everyone to vote tomorrow, regardless of who they wish to vote for.

Ms. Creighton-Smith thanked everyone for providing public comment.

Mr. Boesen shared that he wants to address development agreements. He asked that the council be informed of instances when developers back out of agreements, and pointed to the storage facility on University Avenue and the data center off of Shaullis.

Mayor Hart shared that the state of the city address is November 9th and encouraged everyone to vote.

Nia Wilder shared that the Church Row Light Up Event will be held on November 10th and asked residents in the area to turn on their porch lights. The purpose is to learn how much additional lighting the neighborhood needs. She also shared that the community lost two great leaders, Jim Walsh and Endya Johnson, and sends her love and strength to the families and that we appreciate the contribution their family member has given to our community.

Mr. Chiles shared that he is a huge supporter of downtown business and congratulated Matt Carpenter on the opening of Carpenter's Diner. He encouraged the public to utilize the parking garage if attending a convention center event as it provides direct access to the convention center. This would allow more visitors to park along the street to visit small businesses and restaurants downtown. He thanked those who attended his last ward meeting and shared that the next meeting would be held on December 2, due to the Thanksgiving weekend. The discussion topic will be Byrnes Park.

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

<u>CONSENT AGENDA</u>

Feuss/Wilder
that the following items on the consent agenda be received and placed on file including the payment of bills for November 6, 2023, in the amount of $6,687,919.55. Voice vote-Ayes: Seven. Motion carried.

<u>Bills Payment, Finance Committee Invoice Summary Report, a copy of which is on file in the</u>

office of the City Clerk.

Resolution adopted and upon approval by Mayor assigned No. 2023-663.

Resolution approving a Declaration of Gift to the City of Little Sioux, Iowa of a backhoe/loader and snow plow blade.

Resolution adopted and upon approval by Mayor assigned No. 2023-664.

Resolution approving the request of John Henry, for a waiver for a concrete driveway, located at 5910 Grace Drive, 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. 2023-665.

Resolution approving the request of Dianne Phelps for a waiver for a concrete driveway, located at 1553 E. Donald Street, with the elimination of the sidewalk section for asphalt driveways.

Resolution adopted and upon approval by Mayor assigned No. 2023-666.

Resolution approving the request by Jessica and David Hoover, for tax exemptions on the construction of a new single-family home valued at $317,520.00, for property located at 111 Axlewood Drive and located in the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2023-667.

Resolution approving a Service Line Warranty Agreement with Partners Private Label, Inc., of Norwalk, Connecticut, in conjunction with a service line warranty program for Waterloo residents for a sewer, water, and interior plumbing line warranty program, and authorizing the Mayor and City Clerk to execute said document.

Resolution adopted and upon approval by Mayor assigned No. 2023-668.

Resolution approving an award of bid to Peters Construction of Waterloo, Iowa, in the amount of $2,382,854.00, and approving the Contracts, Bonds, and Certificate of Insurance, in conjunction with the Waterloo Airport Parking Lot Canopy Project, Contract No. 0004232, and authorizing the Mayor and City Clerk to execute said documents.

Resolution adopted and upon approval by Mayor assigned No. 2023-669.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing a 2024 Chevy Equinox for the Garage Motor Pool, in the amount of $27,342.60.

Resolution adopted and upon approval by Mayor assigned No. 2023-670.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for purchasing a 2024 Chevy Tahoe for the Police Department, in the amount of $41,902.00.

Resolution adopted and upon approval by Mayor assigned No. 2023-671.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for the purchase of a Henderson SwapLoader and PB Loader Asphalt Patcher for the Street Department, in the amount of $336,948.00.

Resolution adopted and upon approval by Mayor assigned No. 2023-672.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for the purchase of a Vacuum Excavator for the Traffic Department, in the amount of $126,122.22.

Resolution adopted and upon approval by Mayor assigned No. 2023-673.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for the purchase of a Utility Truck for the Traffic Department, in the amount of $51,502.00.

Resolution adopted and upon approval by Mayor assigned No. 2023-674.

Resolution authorizing an exception to the purchasing policy for the purchase of a 2024 Chevy Equinox for Code Enforcement, in the amount of $27,775.00.

Resolution adopted and upon approval by Mayor assigned No. 2023-675.

Resolution approving preliminary plans, specifications, bid documents, etc, setting the date of bid opening as December 7, 2023, and date of public hearing as December 18, 2023, in conjunction with the FY 2024 Titus (Midland) Pump Station and Force Main Project, Contract No. 975, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-676.

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 $512,099.64 in conjunction with the W. 9th Street and South Street Roundabout Project, Iowa DOT Project No. CS-TSF-8155(777)--85-07.

Resolution adopted and upon approval by Mayor assigned No. 2023-677.

Resolution setting date of public hearing as November 20, 2023, on the authorization of a loan and disbursement agreement and the issuance of not to exceed $1,014,000.00 Sewer Revenue Capital Loan Notes, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-678.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as November 9, 2023 and date of public hearing as November 20, 2020, in conjunction with the 2023-2025 Residential/Miscellaneous Areas Snow Removal Contract for city owned lots generally acquired through Iowa Code 657A, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-679.

Resolution setting date of public hearing as November 20, 2023, to approve the request by the City of Waterloo to rezone approximately 0.74 acres from “A-1” Agricultural District to “M-2,P” Planned Industrial District located at 1318 Martin Road, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-680.

Resolution setting date of public hearing as November 20, 2023, to approve the request by Schott’s Trucking, LLC, to rezone approximately 2.93 acres from “A-1” Agricultural District to "C-1, C-Z" Conditional Zoning District to allow for a trucking business located at 438 West

Airline Highway, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-681.

Resolution setting date of public hearing as November 20, 2023, to approve an amendment to the Downtown Waterloo Riverfront Urban Renewal and Redevelopment Plan, to update projects and project budgets to be included in the Plan, and other general updates to the Plan, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-682.

Resolution setting date of public hearing as November 20, 2023, to approve an amendment to the East Waterloo Unified Urban Renewal and Redevelopment Plan, to update projects and project budgets to be included in the Plan, and other general updates to the Plan, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-683.

Resolution setting date of public hearing as November 20, 2023, to approve an amendment to the Martin Road Development Plan, to update projects and project budgets to be included in the Plan, and other general updates to the Plan, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-684.

Resolution setting date of public hearing as November 20, 2023, to approve an amendment to the Northeast Industrial Area Urban Renewal and Redevelopment Plan, to update projects and project budgets to be included in the Plan, and other general updates to the Plan, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-685.

Resolution setting date of public hearing as November 20, 2023, to approve an amendment to the Rath Urban Renewal and Redevelopment Plan, to update projects and project budgets to be included in the Plan, and other general updates to the Plan, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-686.

Resolution setting date of public hearing as November 20, 2023, to approve an amendment to the San Marnan Urban Renewal and Redevelopment Plan, to update projects and project budgets to be included in the Plan, and other general updates to the Plan, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-687.

Resolution setting date of public hearing as November 20, 2023, to approve an amendment to the Schoitz Urban Renewal and Redevelopment Plan, to update projects and project budgets to be included in the Plan, and other general updates to the Plan, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-688.

Resolution setting date of public hearing as November 20, 2023, to approve an amendment to the University Avenue Area Urban Renewal and Redevelopment Plan, to update projects and project budgets to be included in the Plan, and other general updates to the Plan, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-689.

Resolution setting date of public hearing as November 20, 2023, to approve an amendment to the Crossroads Waterloo Urban Renewal and Redevelopment Plan, to update projects and project budgets to be included in the Plan, and other general updates to the Plan, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-690.

Motion to approve Final Quantity Summary with Aspro, Inc., of Waterloo, Iowa, for a net decrease of $214,520.15, in conjunction with the FY 2022 Asphalt Overlay Program, Contract No. 1056, 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 Aspro, Inc., of Waterloo, Iowa, in the amount of $3,469,283.12, in conjunction with the FY 2022 Asphalt Overlay Program, Contract No. 1056, and receive and file a two-year maintenance bond.

Resolution adopted and upon approval by Mayor assigned No. 2023-691.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as November 30, 2023; and date of public hearing as December 4, 2023, in conjunction with the FY 2024 Fiber Optic Outside Plant (OSP) Construction, Economic Development Administration (EDA) Award Number 05-79-06185, Contract No. 1086, and direct City Clerk to publish said notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-692.

Motion to approve Change Order No. 1 with D & N Fence, of Cedar Rapids, Iowa, for a net increase of $64,650.00, in conjunction with FY 2024 Trolley Car Trail Chain Link Fence Replacement Project, Contract No. 1093, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve the appointment of Andrew Bedard, from the current Civil Service List, to the position of Treatment Operations Foreman in the Waste Management Services Department, effective November 7, 2023, pending pre-employment physical and drug testing.

Motion to approve the appointment of Amanda Simmons to the position of Marketing/Development Manager in the Culture & Arts Department, effective November 7, 2023.

Motion to approve the appointment of Brandon Alvarado to the position of Graphic Designer/Digital Arts Manager in the Culture & Arts Department, effective November 7, 2023.

Communication from the Culture & Arts Department on the notice of the conclusion of employment of Caylin Graham, Youth Pavilion Manager, effective October 5, 2023, with the recommendation of approval of payout of $3,262.01 for unused benefits.

Communication from the Culture & Arts Department on the notice of the conclusion of employment of Kent Shankle, Director, effective September 29, 2023, with recommendation of approval of payout of $7,173.32 for unused benefits.

Airport Board meeting minutes of August 30, 2023.

Airport Board meeting minutes of September 27, 2023.

Complete Streets Advisory Committee minutes of August 29, 2023

Historic Preservation Commission minutes of September 19, 2023.

Planning, Programming, and Zoning commission minutes of September 12, 2023.

Motion approving Application for Fireworks Display: Light Up The Night Event, November 25, 2023, top parking ramp 4th and 5th Street, beginning at 7:45 p.m.

Motion approving Application for License for Distress Sale from Digital Dog Pound, Inc., DBA Electric Underground, 1205 E. San Marnan Dr., with an effective date of termination of November 30, 2023.

Liquor Licenses

a. 1850 Patio & Grill, Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 11/1/2024.
b. Brown Derby Ballroom, 618 Sycamore St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 9/30/2024.
c. Casey's 218 Pub, 4010-4018 University Ave., lass C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 9/30/2024.
d. Chapala Mexican Restaurant, 900 LaPorte Rd., Class C Alcohol w/Outdoor Service and

Sunday Sales (Renewal) Exp: 10/22/2024.

e. Friendship Village, 600 Park Lane, Class F Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 10/18/2024.
f. Kwik Star #380, 506 W. 9th St., Class B Alcohol w/Sunday Sales (Renewal) Exp: 11/18/2024.
g. Love's Travel Stop #702, 3301 Greyhound Dr., Class B Alcohol w/Sunday Sales (New) Exp: 11/16/2024.
h. Peach Cart Co., 250 Ansborough Ave., Class C Alcohol w/Sunday Sales (New) *5-Day* Exp: 11/19/2023.
i. Red Lobster #6267, 941 E. San Marnan Dr., Class C Alcohol w/Sunday Sales (Renewal) Exp: 7/27/2024.
j. Traveling Tapster, 250 Ansborough Ave., Class C Alcohol w/Sunday Sales (New) *5-Day* Exp: 11/21/2023.
k. Capella Magna, 622 Commercial St., Class C Alcoho w/ Sunday Sales (Renewal) Exp: 11/30/2024.
l. Hy-Vee #1 Clubroom, 2834 Ansborough Ave., Class C Alcohol w/Sunday Sales (Renewal) Exp: 10/16/2024.
m. LJ's Neighborhood Bar and Grill, 3550 Kimball Ave., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 10/11/2024.
n. New Star Liquor, 1625 W. 4th St., Class E Alcohol w/Sunday Sales (Renewal) Exp: 12/10/2024.
o. Riverloop Expo Plaza, 300 Jefferson St., Special Class C Alcohol w/Sunday Sales (New) *1-Day Transfer* Exp: 1/16/2024.
p. Dollar General #20584, 1650 Idaho St., Class B Alcohol w/Sunday Sales (New) Exp: 9/27/2024.
q. Hampton Inn, 2034 LaPorte Rd., Special Class C Alcohol w/Sunday Sales (Renewal) Exp: 1/31/2024.

Bonds.

PUBLIC HEARINGS

Reallocation of Unspent Proceeds of the General Obligation Bonds, Series 2022B in an amount not to exceed $300,000.00.

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 instituting proceedings to take additional action and approving the reallocation of certain unspent proceeds of the General Obligation Bonds, Series 2022B, of the City of Waterloo, Iowa. Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-693.

FY 2024 Byrnes Aquatic Center, Contract No. 1077.

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

Chiles/Wilder
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Voice vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-694.

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

FY24 Byrnes Aquatic Center, Cont. No. 1077
Bid Opening – 10/26/2023 - Engineer's Estimate: $7,400,000.00

Larson Construction Co., Inc
Independence, IA
5% Bid Security
Total: $7,799,033.30
Alt 1: Add $28,000.00
Alt 2:Deduct ($12,000.00)
Alt 3:Deduct ($18,135.00)

Peters Construction Corp.
Waterloo, IA
5% Bid Security
Total: $6,993,816.62
Alt 1: Add $59,261.93
Alt 2: Deduct ($4,060.00)
Alt 3: Deduct ($34,037.00)

Woodruff Construction
Waterloo, IA
5% Bid Security
Total: $7,357,800.00

Alt 1: Add $54,000.00
Alt 2:Deduct ($7,500.00)
Alt 3:Deduct ($50,000.00)

Chiles/Wilder
Resolution approving award of bid to Peters Construction Corporation of Waterloo, Iowa, with a base bid of $6,993,816.62 and alternate #1 add $59,261.93, for a total bid of $7,053,078.55, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2024 Byrnes Aquatic Center, Contract No. 1077, 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. 2023-695.

<u>Request by IPE1031REV279, LLC, Cardinal Construction, to rezone approximately 2.48 acres from “C-P” Planned Commercial District, “B-P” Business Park District, and “R-4,R-P” Planned Residence District to “C-P” Planned Commercial District, located at 945 Tower Park Drive.</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
Motion to close the hearing and receive and file 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 amending 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 IPE1031REV279, LLC, Cardinal Construction, to rezone approximately 2.48 acres from “C-P” Planned Commercial District, “B-P” Business Park District, and “R-4,R-P” Planned Residence District to “C-P” Planned Commercial District, located at 945 Tower Park Drive. Roll call vote-Ayes: Seven. Motion carried.

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

Nichols/Wilder
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. 5731.

<u>Request by the City of Waterloo to vacate approximately 1.43 acres of excess right-of-way along the south side of West San Marnan Drive between Bankers Boulevard and Hurst Drive.</u>

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 and there were none.

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

Grieder/Wilder
to receive, file and consider and pass for the first time an ordinance approving a request by the City of Waterloo to vacate approximately 1.43 acres of excess right-of-way, located along the south side of West San Marnan Drive between Bankers Boulevard and Hurst Drive, subject to easements and restrictions of record. Roll call vote-Ayes: Seven. Motion carried.

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

Grieder/Wilder
to consider and pass for the second and third times and adopt said ordinance. Roll call vote: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5732.

Request for the sale and conveyance of city-owned property to M&MB Legacy, LLC, in the amount of $1.00, with a Phased Development and Minimum Assessment Agreement in the amount of $265,000.00, for the construction of a 5,000 square foot industrial building and a 4,000 square foot future expansion, located south of 2330 GT Drive.

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 hearing.Voice Vote-Ayes: Seven. Motion carried.

Nichols/Wilder
Resolution approving the sale and conveyance of city-owned property, located south of 2330 GT Drive, to M&MB Legacy, LLC, in the amount of $1.00, and authorizing the Mayor and City Clerk to execute said documents. Resolution adopted and upon approval by Mayor assigned No. 2023-696.

Mr. Boesen questioned how many acres were included for $1.00 and how many jobs it would create.

Noel Anderson, Community Planning and Development Director, commented that is is approximately 1 acre, and information on the number of jobs is not available at this time.

Nichols/Wilder
Resolution approving a Development and Minimum Assessment Agreement with M&MB Legacy, LLC, for the construction of a 5,000 square foot building and future 4,000 square foot

expansion, located east of 2330 GT Drive, 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. 2023-697.

RESOLUTIONS

Resolution approving Cedar Valley SportsPlex facility rental rates schedule, effective November 7, 2023.

Boesen/Chiles
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-698.

David Dryer, 3145 W. 4th Street, questioned if the cost of operation for the SportsPlex is profitable.

Paul Huting, Leisure Services Director, explained that since the pandemic, the SportsPlex revenues have exceeded expenditures and the projection for the coming year is in the range of $150,000.00 of revenue in excess of expenditures.

Mr. Chiles commented that he has been going to the SportsPlex and said it is a phenomenal facility and highly recommends others join.

Mr. Nichols questioned the cost of renting space when comparing profit to non-profit.

Paul Huting explained they just have one schedule.

Mayor Hart questioned if there are opportunities for those without the same means.

Paul Huting explained how the Key Card program works.

Resolution approving the form of contract for advertising agreements with Waterloo SportsPlex.

Boesen/Chiles
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-699.

Resolution approving Amendment No. 2 to the Agreement with Strand Associates, Inc., of Madison, Wisconsin, originally executed on December 8, 2022, to amend the completion date from July 31, 2023, to June 28, 2024, and authorizing the Mayor to execute said document.

Boesen/Chiles
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-700.

Resolution approving a Professional Services Agreement with HR Green, in an amount not to exceed $14,300.00, for preparation of the FY 2024 EPA Brownfields Program Multipurpose Grant Application, and authorizing the Mayor to execute said document.

Feuss/Wilder

Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-701.

<u>Resolution approving Amendment No. 1 to the Professional Services Agreement with AECOM of Waterloo, Iowa, originally executed on July 18, 2022, to amend the completion date from December 31, 2023, to April 30, 2024, in conjunction with the FY 2023 CIP Phase IVA3, Contract No. 1063, and authorizing the Mayor to execute said document.</u>

Feuss/Wilder
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-702.

<u>Resolution approving a Professional Services Agreement with Fehr Graham, in an amount not to exceed $6,500.00, to complete a survey for the creation of two parcels and two easement descriptions on the TechWorks Campus, and authorizing the Mayor to execute said document.</u>

Feuss/Wilder
Roll call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-703.

<u>Resolution approving the Termination of Lease Agreement with Verve Kombucha, LLC, originally approved by Council on May 29, 2018, for the conclusion of business operations, for property located at 327 W. 3rd Street.</u>

Boesen/Feuss
Roll call vote-Ayes: Five. Nays: Two (Boesen and Chiles). Motion passed. Resolution adopted and upon approval by Mayor assigned No. 2023-704.

Mr. Boesen commented on the credits allowed and the forgiveness of unpaid rent, but said he was happy that we recovered the property taxes.

Mayor Hart concurred that it is a lot of money and shared his thoughts on the matter. He commented on the impact of the pandemic and that the lessee asked for some grace from the city.

Mr. Nichols questioned if there are any plans for the space going forward.

Mayor Hart commented that there were interested parties.

Mr. Chiles shared his thoughts on whether the city should even own this building.

Mr. Boesen expressed his concerns about the city entering into lease agreements in the future.

Mr. Chiles questioned the effect of this resolution not passing.

Noel Anderson, Community Planning and Development Director, explained that we would need to enter into discussions on another solution. He shared that the developer is present and may wish to speak on the matter.

Andy Futchman, 327 W. 3rd Street, commented that they did apply for the Payroll Protection Act and did receive some relief but that was all based on previous years' sales. However, they opened in August of 2020.

Ms. Wilder stated that she appreciates how difficult this has been for Mr. Durham and supports giving grace in this circumstance.

Resolution approving a Subordination Agreement with FDP WTC, LLC, in favor of Chandler Group, LLC, pertaining to obligations under the Waterloo Mortgage Agreement dated January 15, 2016, and recorded January 15, 2016, with the Black Hawk County Recorders Office, for a project located at 250 Westfield Avenue, and authorizing the Mayor and City Clerk to execute said documents.

Grieder/Chiles
Resolution adopted and upon approval by Mayor assigned No. 2023-705.

Resolution approving Amendment No. 6 to the Development Agreement with Deer Creek Development, LLC, originally executed October 13, 2006, to make an additional annual payment for the acquisition of Lot 4 Greenbelt Centre Plat No. 7, City of Waterloo, Iowa, and authorizing the Mayor and City Clerk to execute said document.

Grieder/Chiles
Resolution adopted and upon approval by Mayor assigned No. 2023-706.

Resolution approving the Real Estate Purchase Agreement with Deer Creek Development, for the City acquisition of land located northeast of 3315 Titan Trail, in the amount of $286,148.00 plus up to $5,000.00 in closing costs, and authorizing the Mayor and City Clerk to execute said document.

Grieder/Chiles
Resolution adopted and upon approval by Mayor assigned No. 2023-707.

Mr. Boesen questioned if the city should even purchase this land.

Noel Anderson, Community Planning and Development Director, commented that items 9 and 10 are related, and explained the benefit to the city through this amendment process, is that we won't have to pay for the money upfront.

ORDINANCES

An Ordinance amending the city of Waterloo Traffic Code by adding subsection (55a) Hummingbird Circle, the north side of the 1500 block, 60 feet in an easterly direction from Mockingbird Lane, to section 553, No Parking Here to Corner.

Grieder/Chiles
to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Traffic Code by adding subsection (55a) Hummingbird Circle, the north side of the 1500 block, 60 feet in an easterly direction from Mockingbird Lane, to section 553, No Parking Here to Corner, as follows: (55a) Hummingbird Circle, the North Side of the 1500 block, 60 feet in an Easterly direction from Mockingbird Lane. Roll call vote-Ayes: Seven. Motion carried.

Grieder/Chiles

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

Grieder/Chiles
to receive, file, 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. 5733.

Ordinance rescinding Ordinance No. 5681 that vacated a utility easement in the "S-1" Shopping Center District located east of 115 East Ridgeway Avenue, now addressed as 135 East Ridgeway Avenue.

Chiles/Nichols
to receive, file, consider, and pass for the first time an ordinance rescinding Ordinance No. 5681 that vacated a utility easement in the "S-1" Shopping Center District located east of 115 East Ridgeway Avenue, now addressed as 135 East Ridgeway Avenue. Roll call vote-Ayes: Seven. Motion carried. Roll call vote-Ayes: Seven. Motion carried.

Mr. Boesen questioned why the contractor didn't vacate.

Aric Schroeder, City Planner, provided an overview of the project.

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

Chiles/Nichols
to consider and pass for the second and third times and adopt ordinance. Roll call vote-Ayes: Seven. Motion carried. Roll call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5734.

An ordinance amending the City of Waterloo Code of Ordinances by amending subsection 2B, Snow and Ice Removal, Section 2, Prohibited Acts and Conditions, Chapter 1, Streets, Sidewalks and Public Ways, Title 7, Public Ways and Properties.

Creighton-Smith/Nichols
to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Code of Ordinances by amending subsection 2B, Snow and Ice Removal, Section 2, Prohibited Acts and Conditions, Chapter 1, Streets, Sidewalks and Public Ways, Title 7, Public Ways and Properties. Roll call vote-Ayes: Seven. Motion carried.

Mr. Chiles shared that we did receive a letter of support from Main Street Waterloo and several businesses also support this ordinance.

Mr Boesen shared that the boundaries have been expanded.

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

Creighton-Smith/Nichols
to receive, file, 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.

5735.

ADJOURNMENT

Feuss/Wilder
that the meeting adjourn at 6:53 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk