December 4, 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, December 4, 2023.

Roll Call.

Mayor Quentin Hart in the Chair. Roll Call: Mr. Boesen, Mr. Nichols, Mr. Chiles, Mr. Grieder, Ms. WIlder and Mr. Feuss. Absent: Ms. Creighton-Smith.

Prayer or Moment of Silence.

Pledge of Allegiance, Dave Boesen, At-Large Council Member.

Approval of Agenda, as proposed or amended.

Feuss/Grieder
that the agenda, as proposed, be approved. Voice vote-Ayes: Six. Motion carried.

Approval of Minutes of November 20, 2023 as proposed or amended.

Feuss/Grieder
that the Minutes of November 20, 2023, Regular Session, as proposed, be approved. Voice vote-Ayes: Six. Motion carried.

PUBLIC COMMENTS

Aaron Stacey Roberts, 411 Almond Street, provided comments regarding an insurance policy that belonged to his father. He further provided comments regarding the 14th Amendment.

Floyd Howard, 2800 E. 4th Street, commented that he would like to see some beautification on the East side of Waterloo beyond Logan and East 4th. He commented on ideas for what to do with the vacant Chamberlain's property and what to do with vacant homes.

Mary Potter, 1416 W. 4th Street, shared statistics about attendance at the Grout Museum.

Matthew Carpenter, Carpenter's Diner, commented that all of his parking was gone by 7:00 a.m. and asked that the city put up additional signage about where to park around the convention center. He commented that there is not a good working relationship between the convention center manager and the parking manager.

Michael Blackwell, Cedar Falls, shared that Reverend Stumme and his wife are convalescing at home with COVID-19. He provided comments regarding people experiencing poverty.

Rachel Baumgardner, 1123 Lincoln Street, shared that they are here to speak about transitional housing and re-entry housing. She shared that they are seeking support from the city council to help lower the recidivism rate. She further shared statistics on homelessness in the community.

Melissa Gama, 736 Home Park Blvd., co-founder of nonprofit organization The Cedar Valley Hand-Up, shared their goal to open a re-entry transitional unit for men and women being released from facilities, drug rehab, mental institutions and homelessness.

Todd Obadal, 124 Amity Drive, commented on the need to seek solutions outside of government because it does seem that our government does not have the interest of the little person in mind.

Feuss/Wilder
to close public comments. Voice vote-Ayes: Six. Motion carried.

CONSENT AGENDA

that the following items on the consent agenda be received and placed on file, including the payment of bills for November 27, 2023, in the amount of $5,321,644.18, and December 4, 2023, in the amount of $3,272,112.79. 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 assigned No. 2023-758.

Resolution approving the award of hotel/motel tax grant to the Iowa Mission of Mercy Dental Clinic in the amount of $3,000.00.

Resolution adopted and upon approval by Mayor assigned No. 2023-759.

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. 2023-760.

Resolution approving the request by David Strong, for tax exemptions on the construction of a new twin home unit valued at $349,906.00, for property located at 3377 Lincolnshire Road and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2023-761.

Resolution approving the pre-construction request by Prairie Rapids Square II, LLC, for tax exemptions on the construction of a new 48-unit multifamily residence building, for property located east of 3121 Kimball Avenue and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2023-762.

Resolution amending date of bid opening to December 14, 2023, in conjunction with the FY 2024 Titus (Midland) pump Station and Force Main Project, Contract No. 975.

Resolution adopted and upon approval by Mayor assigned No. 2023-763.

Resolution setting date of public hearing as December 18, 2023, to approve a request by Castle Storage Waterloo No. One, to rezone approximately 5.87 acres from “A-1” Agricultural District and “R-2,C-Z” Conditional Zoning District to “C-2,C-Z” Conditional Zoning District, to allow for outside storage at 2551 Logan Avenue, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-764.

Resolution setting date of public hearing as December 18, 2023, to approve a request by the City of Waterloo to vacate an existing 50-foot sanitary sewer easement, generally located at and north of 3301 Greyhound Drive, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-765.

Resolution setting date of public hearing as December 18, 2023, to approve a request by the City of Waterloo to vacate approximately 1,613 square feet of city-owned alley right-of-way in the “M-1” Light Industrial District located adjacent to 54 Lane Street, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-766.

Resolution setting date of public hearing as December 18, 2023, for the sale and conveyance of city-owned property located south of 99 Mosley Street, to Leon V. Mosley and Rhonda M. Hodges Mosley, in the amount of $300.00, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-767.

Resolution setting date of public hearing as December 18, 2023, on the proposal to acquire property (right-of-way, permanent easements, and temporary easement) for the La Porte Road Reconstruction Phase I Project generally located on La Porte Road between East Shaulis Road and just north of Bopp Street, and authorizing the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-768.

Resolution approving award of bid to B & B Lawn Care, Inc., of Waterloo, in the amount of $19.46 per lot/occurrence, approving the contract and certificate of insurance in conjunction with the 2023-2025 Residential/Miscellaneous Areas Snow Removal Contract for city-owned lots generally acquired through Iowa Code 657A, authorizing the Mayor and City Clerk to execute said documents, and rescinding Resolution Number 2023-729.

Resolution adopted and upon approval by Mayor assigned No. 2023-769.

Resolution approving award of bid to Cedar Valley Renovations, LLC, of Waterloo, Iowa, in the amount of $21,832.00, approving the contract and certificate of insurance, in conjunction with the construction of a one-stall garage at 232 Ricker Street, and authorizing the Mayor and City Clerk to execute said documents.

Resolution adopted and upon approval by Mayor assigned No. 2023-770.

Motion to approve Final Quantity Summary with Aspro, Inc., of Waterloo, Iowa, for a net increase of $109,285.50, in conjunction with the FY 2023 Asphalt Overlay Program, Contract No. 1073, and authorizing the Mayor 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 $3,292,809.48, in conjunction with the FY 2023 Asphalt Overlay Program, Contract No. 1073, and receive and file a two-year maintenance bond.

Resolution adopted and upon approval by Mayor assigned No. 2023-771.

Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Landmark Turf Services, LLC, of Dunkerton, Iowa, in the amount of $48,142.00, in conjunction with the FY 2024 Levee Rip Rap Spraying, Contract No. 1083.

Resolution adopted and upon approval by Mayor assigned No. 2023-772.

Resolution approving Completion of Project and Recommendation of Acceptance of Work, and release of retainage in the amount of $209,361.48 for work performed by Langman Construction, Inc., of Rock Island, Illinois, in conjunction with the US Highway 63 Sanitary Sewer Upgrades, Phase 1 Project, Contract No. 1037, receive and file a two-year maintenance bond, and authorizing the Mayor to execute said documents.

Resolution adopted and upon approval by Mayor assigned No. 2023-773.

Resolution approving Completion of Project and Acceptance of Work for work performed by Ward Diesel Filter Systems, in the amount of $22,104.00, in conjunction with the Waterloo Regional Airport ARFF Vehicle Exhaust Project, FAA AIP 3-19-0094-055, AECOM Project No. 60675091, and authorizing the Airport Director to execute said documents.

Resolution adopted and upon approval by Mayor assigned No. 2023-774.

Resolution approving a Request for Proposals for the FY2024 Fiber Optic Network Asset Management Project, Contract 1098.

Resolution adopted and upon approval by Mayor assigned No. 2023-775.

Motion approving Change Order No. 4 with Woodruff Construction of Waterloo, Iowa, for a total decrease of $241,226.80 in conjunction with the FY 2023 Gates Park Improvements Project, Contract No. 1076, and authorizing the Mayor to execute said document.

Motion approving Change Order No. 1 with Rosemont Companies, LLC, of Waterloo, Iowa, in the amount of $15,000.00, in conjunction with the Community Development excavation of old foundation, 230 Gable Street.

Motion to approve the appointment of **Dustin Knight** from the current Civil Service List to the position of Equipment Operator I in the Street Department, effective date December 18, 2023, subject to pre-employment physical and drug testing.

Motion to approve the appointment of **Chawne Paige** to the position of Director of Culture and Arts in the Culture and Arts Department, effective December 6, 2023.

Christopher Schmitz Board/Commission: Board of Adjustments Expiration Date: February 2, 2025 New-partial

Communication from the Library Department on the notice of the conclusion of employment of Endya Johnson, Library Assistant, effective October 25, 2023 with recommendation of approval of payout of $4,140.05 for unused benefits.

Communication from the Fire Department on the notice of the conclusion of employment of Kurt Graven, Fire Engineer, effective November 14, 2023 with recommendation of approval of payout of $30,278.51 for unused benefits.

Board of Adjustment meeting minutes of September 26, 2023.

Complete Streets Advisory Committee minutes of September 26, 2023.

Leisure Services Commission Board minutes of October 10, 2023.

PUBLIC HEARINGS

Request by the City of Waterloo on behalf of H&A, LC, to rezone approximately 60 acres from “A-1” Agricultural District to “M-2,P” Planned Industrial District located east of 2950 Newell Street.

Grieder/Chiles
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Six. 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/Chiles
to close the hearing and receive and file the recommendation of approval of the Planning, Programming and Zoning Commission. Voice vote-Ayes: Six. Motion carried.

Grieder/Chiles
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 the City of Waterloo on behalf of H&A, LC, to rezone approximately 60 acres from “A-1” Agricultural District to “M-2,P” Planned Industrial

District located east of 2950 Newell Street. Roll Call vote-Ayes: Five. Nays: One (Boesen). Motion carried.

Mr. Boesen commented that it was brought up at the Planning and Zoning Commission meeting that the owners did not request rezoning the property, that it was the city that requested it. It was also mentioned that the city would purchase the property in the event a developer wants the land. He shared his concerns about developing the land due to the wetland that runs through this area.

Noel Anderson, Community Planning and Development Director, shared that the wetlands would be rerouted to avoid the building site. He explained that rezoning the property would meet the needs of the prospective developer. He explained that they have been talking with AECOM engineering about the prospects of how we would move the drainage way through the area.

Grieder/Chiles
to suspend the rules. Roll Call vote-Ayes: Five. Nays: One (Boesen). Motion failed.

<u>Request by Prairie Rapids II, LLC, for a Site Plan Amendment to construct a 48-unit multi-family residence building in the "S-1" Shopping Center District located east of 3121 Kimball Avenue.</u>

Grieder/Feuss
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Six. 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/Feuss
to close hearing and receive and file the recommendation of approval of the Planning, Programming and Zoning Commission. Voice vote-Ayes: Six. Motion carried.

Grieder/Feuss
to receive, file, consider and pass for the first time an ordinance amendment to 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 Prairie Rapids II, LLC, for a Site Plan Amendment to construct a 48-unit multi-family residence building in the "S-1" Shopping Center District located east of 3121 Kimball Avenue. Roll Call vote-Ayes: Six. Motion carried.

Grieder/Feuss
to suspend the rules. Roll Call vote-Ayes: Six. Motion carried.

Grieder/Feuss
to consider and pass for the second and third times and adopt the ordinance. Roll Call vote-Ayes: Six. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5736.

<u>FY 2024 Fiber Optic Outside Plant (OSP) Construction, Economic Development Administration (EDA) Award Number 05-79-06185, Contract No. 1086.</u>

Feuss/Nichols
to receive and file proof of publication of notice of public hearing. Voice vote-Ayes: Six. 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/Nichols
to close the hearing. Voice vote-Ayes: Six. Motion carried.

Feuss/Nichols
Resolution confirming approval of specifications, bid documents, form of contract, etc., and authorizing to proceed. Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-776.

Feuss/Nichols
to receive, file, and instruct the City Clerk to read the bids and refer to the City Engineer for further review. Voice vote-Ayes: Six. Motion carried.

Estimate: $2,503,945.31
MP Nexlevel, LLC, Maple Lake, MN - 5% - $2,433,323.79
Price Industrial Electric, Robins, IA - 5% - $2,095,065.87

RESOLUTIONS

Resolution approving and authorizing a form of Loan and Disbursement Agreement by and between the City of Waterloo, Iowa, and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of $1,014,000.00 Sewer Revenue Capital Loan Notes, Series 2023C, of the City of Waterloo, Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of said Notes, approval of the Tax Exemption Certificate, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Feuss
Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-777.

Resolution approving the amendment to the Development Agreement with Prairie Rapids II, LLC, to include the CLURA partial tax exemption schedule, located near the southeast corner of Kimball Avenue and Ridgeway Avenue, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Feuss
Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-778.

Resolution accepting a Public Sidewalk Easement from the Waterloo Community School District to allow for the placement of a public sidewalk along West 6th Street on school-owned property, directly adjacent to 1115 West 5th Street (Irving Elementary School).

Nichols/Feuss
Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-779.

Resolution approving a second amendment to a Real Estate Purchase Agreement with A-Line Ventures, for the purchase of 200 East Mullan Avenue, to amend the closing date to on or before December 21, 2023.

Mr. Boesen questioned if hazards had been identified on the site.

Noel Anderson, Community Planning and Development Director, shared what was identified, and said that it is believed it is to be very small and staff recommended moving forward with the acquisition.

Feuss/Grieder
Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-780.

Resolution approving a Real Estate Purchase Agreement with Cedar Valley Tech Works, Inc., and approving a deed to sell real property to the City of Waterloo in the amount of $2,460.00, located northwest of 25 West Commercial Street, and authorizing the Mayor and City Clerk to execute said document.

Mr. Boesen questioned if the money for items 5 and 6 is coming out of the $2.7 million authorized for the groundwork on the hard court or is it beyond what the city is investing.

Noel Anderson, Community Planning and Development Director, explained that it was above the $2.7 million and provided an overview of both of the purchase agreements.

Feuss/Grieder
Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-781.

Resolution approving a Real Estate Purchase Agreement with Cedar Valley Tech Works, Inc., and approving a deed to sell real property to the City of Waterloo in the amount of $59,880.00, located southwest of 25 West Commercial Street, and authorizing the Mayor and City Clerk to execute said document.

Feuss/Grieder
Roll Call vote-Ayes: Six. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-782.

ORDINANCES

An ordinance approving a request by Schott's Trucking, LLC, for a rezone of approximately 2.93 acres from "A-1" Agricultural District to "C-1, C-Z" Conditional Zoning District to allow for a trucking business at 438 W. Airline Highway.

Nichols/Wilder
to receive, file, consider, and pass for the second time an ordinance approving a request by Schott's Trucking, LLC, for a rezone of approximately 2.93 acres from "A-1" Agricultural District to "C-1, C-Z" Conditional Zoning District to allow for a trucking business at 438 W. Airline Highway. Roll Call vote-Ayes: Six. Motion carried.

Nichols/Wilder
to suspend the rules. Roll Call vote-Ayes: Six. Motion carried.

Nichols/Wilder
to consider and pass for the third time and adopt the ordinance. Roll Call vote-Ayes: Six. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5737.

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 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.

Feuss/Nichols
to receive, file, consider, and pass for the second 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 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. Roll Call vote-Ayes: Six. Motion carried.

Feuss/Nichols
to suspend the rules. Roll Call vote-Ayes: Six. Motion carried.

Feuss/Nichols
to consider and pass for the third time and adopt the ordinance. Roll Call vote-Ayes: Six. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5738.

ADJOURNMENT

that the meeting adjourn at 6:13 p.m. Voice vote-Ayes: Six. Motion carried.

Kelley Felchle
City Clerk