December 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, December 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. Ms. Wilder joined by Zoom.

Prayer or Moment of Silence.

Pledge of Allegiance,
John Chiles, Ward 1 Council Member.

Approval of Agenda as proposed or amended.

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

Approval of minutes of December 4, 2023, Council Regular Session, as proposed or amended.

Feuss/Nichols
that the Minutes of December 4, 2023, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

Approval of minutes of December 11, 2023, Council Special Session, as proposed or amended.

Feuss/Nichols
that the Minutes of December 11, 2023, Special Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

Proclamation declaring December 10, 2023, as International Human Rights Day.

PUBLIC COMMENTS

Aaron Stacey Roberts, 411 Almond, provided comments regarding due process and expounded upon some specific examples that he has experienced during his lifetime.

Tim Vaage, 444 Carolina Street, commented that he wanted to see a roundabout at the intersection of Hammond and Ridgeway and asked how he would go about getting a study done.

Mayor Hart explained that he could speak with the Public Works Division Manager, Randy Bennett, who oversees the Traffic Department.

Mary Potter, 1416 W. 4th Street and Grout Museum, read letters from children about their visit to the Grout Museum.

Larry Stumme, 1008 Lois Lane, provided a recap of comments he provided during the public comment portion of the agenda in 2023.

Michael Blackwell, resident of Cedar Falls, provided comments regarding the former St. Mary's school site. He discussed dilapidated buildings and how it is depressing for people to live next to them.

Mr. Grieder shared comments regarding his service as a city council member. He wished the council and council member-elect Simon all the best.

Mr. Chiles shared that a blight in his Ward is gone and thanked Noel Anderson for his work on this.

Ms. Creighton-Smith expressed thanks for a blighted house on 4th Street being torn down.

Noel Anderson, Community Planning and Development Director, shared that federal funds are available to remove asbestos and demolition of St. Mary's school site and explained that unfortunately, with federal funds, the process can take longer. He stated that a historical archaeologist recently visited the site to make a determination if anything might be underground that we are unaware of and the report showed there were no recommendations for further work. Noel said he is hopeful that we will get HUD approval soon to begin work.

Mayor Hart provided comments regarding a meeting he and city staff had with Canadian National Rail Road.

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

<u>CONSENT AGENDA</u>

Feuss/Grieder
that the following items on the consent agenda be received and placed on file, including the payment of bills for December 11, 2023, in the amount of $2,235,491.05, and December 18, 2023, in the amount of $6,935,725.26. Roll Call vote-Ayes: Six. Abstain: One (Boesen). Motion carried.

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

Resolution adopted and upon approval by Mayor assigned No. 2023-783.

<u>Resolution approving the request by Isael Garcia, for tax exemptions on the construction of a new twin home unit valued at $379,900.00, for property located at 1836 Red Tail Drive and located in the City Limits Urban Revitalization Area (CLURA).</u>

Resolution adopted and upon approval by Mayor assigned No. 2023-784.

<u>Resolution approving the request by Boss Babes, LLC, for tax exemptions on improvements to</u>

a single-family home valued at $15,000.00, for property located at 911 Newton Street and located in the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2023-785.

Resolution setting date of public hearing as January 2, 2024, to approve a request by C&S Car Company to rezone approximately 0.57 acres from “R-3” Multiple Residence District to “C-2,C-Z” Conditional Zoning District and a Site Plan Amendment for expansion of an auto sales facility located along the southwest side of South Street between West 6th Street and West 7th Street, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2023-786.

Resolution authorizing an exception to the City of Waterloo Purchasing Policy for the purchase of a Tahoe for the Police Department, in the amount of $40,457.00, as a State of Iowa bid from Karl Chevrolet.

Resolution adopted and upon approval by Mayor assigned No. 2023-787.

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. 2023-788.

Resolution approving completion of project, recommendation of acceptance of work, and release of retainage in the amount of $2,250.00, for work performed by Bowker Mechanical Contractors of Cedar Rapids, Iowa, in conjunction with the City of Waterloo Center of the Arts Youth Pavilion PH 2 Boiler Replacement Project.

Resolution adopted and upon approval by Mayor assigned No. 2023-789.

Motion approving Change Order No. 10 with Vieth Construction Corporation, of Cedar Falls, Iowa, for a net increase of $7,428.85, in conjunction with the FY 2022 Sullivan Brothers Plaza Renovation, Contract No.1069, and authorizing the Mayor and City Clerk to execute said document.

Motion to receive and place on file the 2022 Audit of the Waterloo Water Works.

Motion to receive and place on file the 2022 Operating Report of the Waterloo Water Works.

Motion approving the appointment of **Brynn Schroeder** from the current Civil Service List to the position of Waste Water Operator in the Waste Management Services Department, effective December 27, 2023, pending pre-employment physical and drug testing.

Motion approving the appointment of **Brian M. O'Connell** to the position of Plant Maintenance Mechanic in the Waste Management Services Department, effective December 19, 2023, pending pre-employment physical and drug testing.

Frank MCCaw Board/Commission: Memorial Hall Commission Expiration Date: December 31, 2026 (Re-appointment).

Melvin Wittwer Board/Commission: Memorial Hall Commission Expiration Date: December 31, 2026 (Re-appointment).

Craig White Board/Commission: Memorial Hall Commission Expiration Date: December 31, 2026 (Re-appointment).

Randy Miller Board/Commission: Memorial Hall Commission Expiration Date: December 31, 2026 (Re-appointment).

Communication from the Public Works Department on the notice of the conclusion of employment of Brian Boesen, Animal Control Officer, effective December 1, 2023, with recommendation of approval of payout of $3,195.99 for unused benefits.

Airport Board meeting minutes of October 25, 2023.

Waterloo Housing Authority Board meeting minutes of November 20, 2023.

Liquor Licenses

a. Carlos O'Kellys, 2060 Sovia Dr., Class C Alcohol w/Outdoor Service, Catering and Sunday Sales (Renewal) Exp: 12/30/2024.
b. Club Ambassador, 313 W. 5th St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 12/15/2024.
c. The Comfort Zone, 213 E. 5th Street, Class C Alcohol w/Sunday Sales (Renewal) Exp: 1/17/2024.
d. Courtyard By Marriott, 250 Westfield Ave., Class C Alcohol w/Outdoor Service, Catering and Sunday Sales (Renewal) Exp: 11/19/2024.
e. Karma Bar, 309 W. 4th St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 10/14/2024.
f. Knights of Pythias, 244 Ash St., Class F Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 11/2/2024.
g. Lock At Tower Park, 4140 Kimball Ave., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 9/20/2024.

h. <u>Trucker Bar, 1915 Bourland Ave., Class C Alcohol w/Sunday Sales (Renewal) Exp: 12/12/2024.</u>

<u>PUBLIC HEARINGS</u>

<u>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.</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 and there were none.

Nichols/Chiles
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/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 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. Roll Call vote-Ayes: Seven. Motion carried.

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

Nichols/Chiles
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. 5739.

<u>Request by the City of Waterloo to vacate an existing 50-foot sanitary sewer easement, generally located at and north of 3301 Greyhound Drive.</u>

Chiles/Grieder
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/Grieder

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

Chiles/Grieder
to receive, file and consider and pass for the first time an ordinance approving 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. Roll Call vote-Ayes: Seven. Motion carried.

Chiles/Grieder
to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Chiles/Grieder
to 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. 5740.

<u>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.</u>

Boesen/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.

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

Boesen/Nichols
to receive, file and consider and pass for the first time an ordinance approving a request by the City of Waterloo to vacate approximately 1,613 square feet of city-owned alley right-of-way in the "M-1" Light Industrial District located adjacent to 54 Lane Street. Roll Call vote-Ayes: Seven. Motion carried.

Boesen/Nichols
to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Boesen/Nichols
to 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. 5741.

<u>Acquisition of 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.</u>

Feuss/Grieder
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.

Russ and Deb Youngblut, 2026 Bopp Street, shared that he is the owner of Southtown Lounge. He questioned when the work would start and how they would continue to have access to their business.

Jamie Knutson, City Engineer, shared that they want to work with their business, Witham, Ament, and other businesses in the area for shared access on La Porte.

Michelle Sweeney, AECOM, explained that the project will be in phases and access will be maintained for all affected businesses. She further provided an overview of the project, planned access points and signage that will be provided.

Mayor Hart commented that this is the first step to open discussions with the businesses and questioned how AECOM communicates with the public about the project.

Michelle Sweeney shared that the city has a Facebook page set up for this project, an email address has been set up or anyone can call city hall directly about the project.

Mayor Hart shared that the city received a 20 million grant from Iowa DOT to help reconstruct LaPorte Road and commented on the importance of the project.

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

Feuss/Grieder
Resolution authorizing to proceed with the La Porte Road Reconstruction Phase I Project, to make final selection of the location, to authorize funding for the public improvement project, and determine that there is a reasonable expectation the city will be able to achieve its public purpose, comply with all applicable standards, and obtain the necessary permits, and authorizing the use of condemnation procedures for acquisition of property interests in furtherance of the project objectives, and to establish the amount of just compensation.

Mr. Boesen shared that his concern is the KOA and the Bertch project. He shared that LaPorte Road relies on through traffic and that businesses have been hurt due to construction.

Mayor Hart commented that while it is a hardship, it is also a good and important project for the city and the future of that corridor.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-790.

<u>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.</u>

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

Grieder/Feuss
Resolution approving the sale and conveyance of city-owned property located south of 99 Mosley Street, in the amount of $300.00, to Leon V. Mosley and Rhonda M. Hodges Mosley, 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. 2023-791.

FY 2024 Titus (Midland) Pump Station and Force Main Project, Contract No. 975.

Chiles/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.

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

Chiles/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. 2023-792.

Chiles/Nichols
to receive, file, and instruct the City Clerk to read the bids and refer to the Waste Management Department for review. Roll Call vote-Ayes: Seven. Motion carried.

Engineer's Estimate: $6,531,597.73
Portzen Construction, Dubuque, IA - 5% - $7,279,728.68
WRH, Inc., Amana, IA - 5% - $6,184,087.00
Peterson Contractors, Inc., Reinbeck, IA - 5% - $6,584,845.50
Boomerang Corp, Anamosa, IA - 5% - $4,117,354.20

RESOLUTIONS

Resolution approving an agreement with Tolemi of Boston, Massachusetts, for data integration and insights software application and rental registration and work flow management software, in the amount of $47,500.00, and authorizing the Mayor to execute said document.

David Dryer, 3145 W. 4th Street, questioned what the software does for the City of Waterloo.

Mayor Hart provided an overview of the need for software in various departments and explained what is unique about this particular software.

Mr. Grieder spoke in favor of this item.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-793.

Resolution approving a Construction Agreement with Waterloo Water Works' Board of Trustees, in conjunction with the FY 2024 La Porte Road Improvements - Phase 1, Contract No. 1016, and authorizing the Mayor and City Clerk to execute said documents.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-794.

Resolution approving a Professional Services Agreement with EN Engineering, LLC, formally Magellan Advisors, LLC, in an amount not to exceed $1,107,300.00, for project and construction management, inspections and engineering support services for the fiber backbone and fiber-to-the-home network project implementation in calendar year 2024, and authorizing the Mayor to execute said document.

David Dryer, 3145 W. 4th Street, questioned why we are continuing to add to the cost of the fiber optics project.

Mayor Hart explained that this is not an additional expense, it is another phase of the project that was in the original plan.

Mr. Grieder spoke in favor of this item.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried.Resolution adopted and upon approval by Mayor assigned No. 2023-795.

Resolution approving a Professional Services Agreement with AECOM Technical Services, Inc., in the amount of $179,800.00, for construction administration and project inspection services for the Airline Passenger Terminal Parking Lot Canopy Project at the Waterloo Regional Airport, and authorizing the Mayor to execute said document.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-796.

Resolution approving a Professional Services Agreement with HR Green, Inc., of Cedar Rapids, Iowa, in an amount not to exceed $25,000.00, in conjunction with the Waterloo Pavement Management Plan Update FY 2025 - 2031, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor

assigned No. 2023-797.

Resolution approving an Intergovernmental Transfer of Public Funds Agreement with the Iowa Department of Human Services, and authorizing the Mayor to execute said documents.

Boesen/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-798.

Resolution approving nine FY 2024 Quarter 3 and Quarter 4 Event/Capital Hotel-Motel Tax Grant funds, with one additional Capital Grant, in the amount of $90,400.00, as recommended by the Waterloo Convention and Visitors Bureau Board of Directors.

Boesen/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2023-799.

ORDINANCES

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, 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 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: Seven. Motion carried.

Mr. Boesen thanked Noel Anderson for answering all of his questions and getting the wetlands conflict straightened out.

Grieder/Chiles
to suspend the rules. Roll Call vote-Ayes: Seven. Motion carried.

Grieder/Chiles
to consider and pass for the third time and adopt the ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5742.

ADJOURNMENT

Mayor Hart recognized Keith Kaspari, Airport Director, for his service to the city and delivered to him a plaque for his retirement.

Mayor Hart recognized Mr. Grieder for his service to the City of Waterloo and presented him with a plaque in honor of his service.

Feuss/Grieder
that the meeting adjourn at 6:41 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk