January 2, 2024

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 Tuesday, January 2, 2024.

Roll Call.

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

Prayer or Moment of Silence.

Pledge of Allegiance - Kelley Felchle, City Clerk

Swearing in of Mayor Quentin Hart.
Swearing in of the following Council members: Dave Boesen, Ward 2, Belinda Creighton-Smith, Ward 4, and Steve Simon, At-Large.

Approval of Agenda as proposed or amended.

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

Approval of Minutes of December 18, 2023, Council Regular Session, as proposed or amended.

Feuss/Chiles
that the minutes of December 18, 2023, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

Recognition of the Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada for the 19th year in a row.

PUBLIC COMMENTS

Mary Potter, 1416 W. 4th Street and trustee of Grout Museum, shared comments about the planetarium at the Grout Museum.

David Dryer, 3145 W. 4th Street, commented that he drove past a structure across from the Salvation Army that was falling down and in disrepair. He questioned why the city had not done anything about it.

Addison Simon, 1140 Kaplan Drive, shared comments about the problems happening in the

Waterloo schools and the aggression against students for who they are and how they identify and hopes that council can help to change that.

Beverly Cosby, 315 Wendell Ct., shared that a couple of months ago she asked about Smokey Row and was told that several council members didn't know where it was located. She shared that she asked because houses can be developed in that area.

Alia Raman, 223 Southbrook Drive, provided comments about racism and discrimination in Waterloo.

Latonya Graves, 1607 E. Donald Street, questioned what the community can do to address landlords that are taking advantage of people that have nowhere else to live.

Mr. Nichols commented that he would be holding At-Large Ward meetings throughout the community. He shared that his first meeting was January 23rd at Grandma's Hands Kitchen.

Mr. Chiles shared that he would hold a Ward meeting last Saturday in January in council chambers.

Ms. Wilder encouraged people to reach out to council members to make sure their voices are being heard, and to consider joining one of the boards and commissions.

Mayor Hart commented on the nastiness that sometimes happens during the election process. He shared that, despite the difficult process, once elected we are all accountable for the work we do. He concurred that there is still a lot of work yet to be done, and said he is hoping that this council can come together to work for the entire community and leave all the politics behind.

Ms. Creighton-Smith shared that she appreciates public comments as it holds us accountable.

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

<u>CONSENT AGENDA</u>

Feuss/Nichols
that the following items on the consent agenda be received and placed on file, including the payment of bills for January 2, 2024, in the amount of $5,448,174.56. Roll Call vote-Ayes: Seven. 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. 2024-001.

<u>Resolution setting date of public hearing as January 16, 2024, to approve the request by Americans for Independent Living to rezone approximately 1.22 acres from “C-2” Commercial District to “C-2,C-Z” Conditional Zoning District to allow for a storage warehouse in a portion of the building located at 4020 University Avenue, and instruct the City Clerk to publish notice.</u>

Resolution adopted and upon approval by Mayor assigned No. 2024-002.

Resolution setting date of public hearing as January 16, 2024, to receive public comments on the CAPER (Consolidated Annual Performance Report), and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-003.

Resolution setting date of public hearing as January 16, 2024, to approve the request by the City of Waterloo to vacate a 14,734 square foot portion of West Airline Highway east of 3165 West Airline Highway subject to the retention of a drainage and utility easement over, under and upon the vacate area, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-004.

Resolution approving the request of Tony Fischels, for a waiver for a concrete driveway, located at 339 W. 13th Street, 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. 2024-005.

Resolution approving request of Brian McCormick for a waiver for a concrete driveway, located at 1310 Cottage Grove Avenue (Cottage Grove Avenue approach only), with the elimination of the sidewalk section due to inability to meet grade requirements.

Resolution adopted and upon approval by Mayor assigned No. 2024-006.

Resolution approving the request by Cullen and Beth Gehrke, for tax exemptions on the construction of a single family home valued at $470,897.00, for property located at 1408 Partridge Lane, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2024-007.

Resolution approving award of bid to WRH of Amana, Iowa, in the amount of $6,184,087.00 and approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2024 Titus Lift Station and Force Main Project, Contract No. 975, and authorizing the Mayor and City Clerk to execute said documents.

Resolution adopted and upon approval by Mayor assigned No. 2024-008.

Motion approving Change Order No. 5 with Woodruff Construction of Waterloo, Iowa, for a total decrease of $585,804.03, in conjunction with the FY 2023 Gates Park Improvements Project, Contract No. 1076, and authorizing the Mayor to execute said document.

Motion approving the appointment of **Bradley Baldwin** from the current Civil Service List to the position of Property Safety Inspector in the Building Inspection Department, effective January 3, 2024.

Motion approving appointment of **Jennifer Coon** to the position of Administrative Secretary in the Community Development Department, effective Wednesday, January 3, 2024.

Teresa Culpepper Board/Commission: Human Rights Commission Expiration Date: April 10, 2026 (New)

Motion to receive and place on file the Airport Board minutes of November 22, 2023.

Board of Adjustments Meeting minutes of October 24, 2023.

Complete Streets Advisory Committee minutes of October 31, 2023.

Historic Preservation Commission minutes of October 17, 2023.

Planning, Programming, and Zoning Commission minutes of October 10, 2023.

Planning, Programming, and Zoning Commission minutes of November 14, 2023.

PUBLIC HEARINGS

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 on the southwest side of South Street from West 6th Street to West 7th Street.

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

Chiles/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 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 on the southwest side of South Street from West 6th Street to West 7th Street. Roll Call vote-Ayes: Seven. Motion carried.

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

Chiles/Wilder
to receive, file, consider and pass for the second and third times and adopt the ordinance. Roll Call vote-Ayes: Seven. Motion carried.

RESOLUTIONS

Resolution approving a request by the City of Waterloo to dedicate a new thirty-foot utility easement on the east property line of Becker Elementary School west of the former Linbud Lane right-of-way in the "R-3" Multiple Residence District at 1239 Sheldon Street.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-009.

Resolution approving a Special Warranty Deed for reverter of title on behalf of the City of Waterloo as attorney-in-fact for Todd J. Borwig and Debra Borwig, pursuant to a Development Agreement with Todd J. Borwig for the development of property located north of 1332 Walker Street, originally approved by Council on May 17, 2021, and recorded February 17, 2023, as Doc. No. 2023-11532, for failure to complete the project per the timeline provided for in the Development Agreement, and authorizing the Mayor and City Clerk to execute said deed.

Nichols/Creighton-Smith

David Dryer, 3145 W. 4th Street, questioned if the old flea market site across from the American Legion had not done anything to the site and questioned if the city would be doing anything about that, since it is also past the timeline to complete the project.

Noel Anderon, Community Planning and Development Director, commented that the difference between this item and the property across from the American Legion is that Mr. Borwig notified the city he would not be moving forward with the project. He explained that the flea market site is part of the flood plain which keeps the developer from moving forward with Work Force Housing Tax Credits that he would like to apply for, so the city is working to get the flood plain removed. The developer has stated that he still wants to move ahead, which is why the city hasn't taken similar action.

Forest Dillavou, 1725 Huntington Road, commented that this development went against the wishes of the neighborhood. He stated that the developer should be required to restore the property to its original condition as the developer has torn up the property.

Noel Anderson provided information regarding some illegal transactions that were taken against our property and stated that our attorneys are working on correcting this, and we feel confident that we will gain clear title. He commented that the work that had begun, such as clearing of trees, etc., is something that would have needed to be done for the creation of the cul-de-sac, so it is just in the construction stage at this point which needs some attention.

Mr. Boesen commented that he had been frustrated with the process surrounding this development. He questioned if the Borwig's are up-to-date on the property taxes on this property.

Noel Anderson commented that there were no property taxes for this fiscal year, and we are currently waiting for the assessment for the upcoming year. If there are taxes that are owed, we would look to the Supervisors to have them abated.

Ms. Creighton-Smith commented on the importance of discussing this process further to prevent this type of thing from happening over and over again, and to track those that are not performing.

Council, Mayor and Noel Anderson discussed timelines, taxes, future development and plans for new language to address for future agreements.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-010.

<u>Resolution approving a Subordination Agreement with FDP WTC, LLC, in favor of Resource Bank, N.A., pertaining to obligations under a Mortgage Agreement dated August 23, 2023, in favor of The Chandler Group, LLC, pertaining to obligations under a Mortgage Agreement dated August 23, 2023, in favor of Notes One Two Three, LLC, pertaining to obligations under a Mortgage dated December 28, 2023, and in favor of State Bank of Cherry, pertaining to obligations under a Mortgage Agreement dated November 3, 2023, for a project located at 250 Westfield Avenue, and authorizing the Mayor and City Clerk to execute said document.</u>

Nichols/Creighton-Smith

David Dryer, 3145 W. 4th Street, questioned if the city holds the mortgage.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-011.

<u>Resolution approving Supplemental Agreement No. 5 with Stanley Consultants, Inc., of Des Moines, Iowa, in the amount of $124,600.00, in conjunction with the FY2022 11th Street and Park Avenue Bridge Replacements, Contract No. 1013, and authorizing the Mayor and City Clerk to execute said document.</u>

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-012.

<u>Resolution approving an ALS Intercept Billing Agreement between Mayo Clinic Ambulance and Waterloo Fire Rescue, and authorizing Bill Beck, Fire Chief, to execute said document.</u>

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor

assigned No. 2024-013.

Resolution approving a Professional Service Agreement with Terracon Consultants of Cedar Falls, Iowa, in conjunction with construction observation and materials testing for the FY 2023 Gates Park Improvements Project, Contract No. 1076, and authorizing the Mayor to execute said documents.

Chiles/Wilder

Mr. Boesen questioned where the fire department is at for transfers.

Bill Beck, Fire Chief, shared that they started the transfers yesterday.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-014.

ADJOURNMENT

Feuss/Chiles
that the meeting adjourn at 6:31 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk