



**THE CITY COUNCIL OF WATERLOO, IOWA
Regular Session TO BE HELD AT
Harold E. Getty Council Chambers
Tuesday, January 16, 2024
5:30 PM**

**CITY OF WATERLOO
COMMUNITY VISION PLAN**

1. Fly the W: To develop a sense of pride and relationship between residents and the City of Waterloo, and then leverage that pride to communicate the City's attributes to external audiences.
2. Elevate Housing: Redevelop, renovate, or improve 800 residences in Waterloo in eight years by providing access to capital.
3. Celebrate and Connect Neighborhoods: To leverage Waterloo's rich tradition of neighborhoods by celebrating and connecting them with the community and region at large.
4. Waterloo Works: Grow a diverse and skilled workforce in Waterloo that connects people and employers for mutual growth.
5. Crossroads Doubledown: Re-energize the Crossroads Mall area into a sports/recreation-themed gravitational center.
6. Power Up Downtown: Keep Waterloo's core downtown evolving to meet the needs of future generations, supporting and showcasing arts and cultural opportunities and creating an experience like no other.
7. Sportstown USA: To generate excitement, develop youth, and drive investment and economic impact from year-round visitors.
8. Community of Opportunity: Eliminate barriers that keep Waterloo residents, and the community as a whole, from reaching its true potential, creating an equitable, thriving, and sustainable community for future generations.
Waterloo is a Community of Opportunity, where everyone can prosper.

GENERAL RULES FOR PUBLIC PARTICIPATION REGULAR SESSION AGENDA

- A. Iowa Code Chapter 21 gives the public the right to attend council meetings, but it does not require cities to allow public participation except during public hearings. The public

is required to follow the rules listed in this article when speaking during any meeting of the city council.

- B. At the presiding officer's discretion, individuals may address the presiding officer by stepping to the podium, and after recognition by the presiding officer, shall state their name, address, and group affiliation, if appropriate, and speak clearly into the microphone.
- C. Comments shall be germane and refrain from personal, impertinent, or slanderous remarks.
- D. Cell phones and electronic devices shall be set to silent prior to the start of the meeting.

RULES FOR PUBLIC COMMENT SECTION OF THE AGENDA

- A. Individuals shall speak one (1) time on only one (1) issue for a maximum of three (3) minutes During the public comment section of the agenda. The public shall not be required to pre-register to speak during public comment. Individuals shall only speak on matters not listed on the regular agenda for that date. Any matter presented shall be directed to the presiding officer and addressed, if necessary, after the meeting.
- B. Council members may speak during public comment portion of the agenda after the public has finished speaking
- C. City staff shall not be required to provide an immediate answer to a matter presented during a council meeting unless it specifically pertains to an item on the agenda

RULES FOR PUBLIC COMMENT DURING PUBLIC HEARINGS

Individuals may speak during the public comment portion of a scheduled public hearing for a maximum of three (3) minutes or may submit written comments to the city clerk by four o'clock (4:00) P.M. on the day of the public hearing. Groups of citizens with similar viewpoints are encouraged to select a representative to share the viewpoint of the group.

RULES FOR PUBLIC COMMENT DURING AGENDA ITEMS

At the discretion of the presiding officer, individuals may speak for a maximum of three (3) minutes when the council discusses agenda items. This section does not apply to businesses or parties directly involved in agenda items.

Roll Call.

Prayer or Moment of Silence.

Pledge of Allegiance, Ray Feuss, Ward 5 Council Member.

Approval of Agenda, as proposed or amended.

Approval of Minutes of January 2, 2024, as proposed or amended.

Recognition of Waterloo Youth City Council members.

PUBLIC COMMENTS

Iowa Code Chapter 21 gives the public the right to attend council meetings but it does not require cities to allow public participation except during public hearings. The City of Waterloo encourages the public to participate during the Oral Presentations by following the rules listed on the front of the agenda.

CONSENT AGENDA

The consent agenda is reserved for routine resolutions and motions, acted upon by roll call vote on a single motion without discussion. Council shall either vote yea or nay when the roll is called. Council members may request that an item be removed from the consent agenda and considered separately. Such a request does not require a second. The public shall be prohibited from requesting that items listed on the consent agenda be removed and considered separately. The public may contact council members with questions regarding consent agenda items. 1-4A-16(A)(8).

1. Bills Payment, Finance Committee Invoice Summary Report, a copy of which is on file in the office of the City Clerk.
2. Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as January 25, 2024, and date of public hearing as February 5, 2024, in conjunction with the Waterloo Convention Center Restroom Renovation Project, and instruct the City Clerk to publish notice.
3. Resolution approving preliminary specifications, bid documents, etc., setting date of bid opening as February 1, 2024, and date of public hearing as February 5, 2024, in conjunction with the purchase of two golf course greens mowers, and instruct the City Clerk to publish notice.
4. Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Modern Builders of Janesville, Iowa, in the amount of \$160,429.30, in conjunction with the Iowa Department of Transportation Commercial Service Vertical Infrastructure FY 2022, Hangar No. 4 Improvements Project, Contract No. 22634.
5. Resolution authorizing an exception to the City Of Waterloo Purchasing Policy for purchasing a 2022 Nissan Altima for the Police Department, in the amount of \$25,130.00 from John Deery Motors.
6. Resolution approving the correction of sidewalk repair assessments to properties described in Exhibit A, and authorizing the City Clerk to notify the Black Hawk County Treasurer of said correction.
7. Resolution establishing a sister city relationship with Morant-Bay, St. Thomas, Jamaica.
8. Motion to approve Change Order No. 1 with WRH, Inc., of South Amana, Iowa, for a net increase of \$36,605.84, in conjunction with FY 2023 Wastewater Treatment Plant Final Clarifier No. 3 Rehabilitation Project, Contract No. 1067, and authorizing the Mayor to execute said document.

9. Motion to approve Change Order No. 6 with Woodruff Construction of Waterloo, Iowa, for a total increase not to exceed \$30,000.00, in conjunction with the FY 2023 Gates Park Improvements Project, Contract No. 1076, and authorizing the Mayor to execute said document.
10. Motion to approve Change Order No. 7 with Entrust Solutions Group (Magellan), of Denver, Colorado, in the amount of \$64,629.49, in conjunction with the FY2023 Construction of a Fiber-to-the Premise Feeder/Distribution and Backbone Network Project, Contract No. 1080, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Jamie Knutson, City Engineer

11. Motion to approve Change Order No. 8 with Entrust Solutions Group (Magellan), of Denver, Colorado, in the amount of \$38,393.08, in conjunction with the FY 2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1080, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Jamie Knutson, City Engineer

12. Motion to approve the appointment of Ryan Shatek from the current Civil Service List to the position of Stormwater Specialist in the Engineering Department, effective January 17, 2024.
13. Communication from the Building Inspections Department on the notice of the conclusion of employment of Robert Ball, Chief Inspector, effective December 29, 2023, with recommendation of approval of payout of \$11,050.90 for unused benefits.
14. Communication from the Building Inspections Department on the notice of the conclusion of employment of Barry Stratton, Property Safety Inspector, effective December 22, 2023, with recommendation of approval of payout of \$5,658.45 for unused benefits.
15. **William Frost** Board/Commission: Community Development Expiration Date: January 16, 2026 New
16. Community Development Board minutes of October 2023 and public hearing minutes of December 7, 2023.
17. Cigarette/Tobacco/Nicotine/Vapor Permit New Application for Rays Supermarket 2, LLC, 1956 Lafayette Street.

18. Liquor Licenses

- a. The Broken Record, 315 W. 4th Street, Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 1/20/2025.

19. Bonds.

PUBLIC HEARINGS

1. FY 2023 Consolidated Annual Performance and Evaluation Report (CAPER).

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close hearing and receive and file oral and written comments.

Resolution approving the FY 2023 Consolidated Annual Performance and Evaluation Report (CAPER) for CBDG and HOME program activities for the period of July 1, 2022, to July 30, 2023, and submission to the U.S. Department of Housing and Urban Development.

Submitted by: Rudy Jones, Community Development Director

2. Request by the City of Waterloo to vacate a 14,734 square foot portion of West Airline Highway located east of 3165 West Airline Highway, subject to the retention of a drainage and utility easement over, under and upon the vacate area.

Motion to receive and file proof of publication of public hearing.

HOLD HEARING - No Comments on file.

Motion to close hearing and receive and file oral and written comments and recommendations of approval of the Planning, Programming and Zoning Commission.

Motion to receive, file, consider and pass for the first time an ordinance approving a request by the City of Waterloo to vacate a 14,734 square foot portion of West Airline Highway located east of 3165 West Airline Highway, subject to the retention of a drainage and utility easement over, under and upon the vacate area.

Motion to suspend the rules.

Motion to receive, file, consider, and pass for the second and third times and adopt the Ordinance.

Submitted by: Noel Anderson, Community Planning and Development Director

3. 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.

Motion to receive and file proof of publication of notice of public hearing.

HOLD HEARING - No comments on file.

Motion to close the hearing and receive and file oral and written comments and recommendation of approval of the Planning, Programming and Zoning Commission.

Motion 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 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. Motion to suspend the rules.

Motion to receive, consider, file, and pass for the second and third times and adopt the ordinance.

Submitted by: Noel Anderson, Community Planning and Development Director

RESOLUTIONS

1. Resolution approving the Termination of a Development Agreement with Todd J. Borwig for property located north of 1332 Walker Street, originally approved by Council 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.

Submitted by: Noel Anderson, Community Planning and Development Director

2. Resolution approving Supplemental Agreement No. 2 with AECOM of Waterloo, Iowa, in the amount of \$6,500.00, in conjunction with the FY 2023 Sunnyside Creek Improvements Wet Detention Pond and Channel Stabilization Project, Contract 1062, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Jamie Knutson, City Engineer

3. Resolution approving Supplemental Agreement No. 2 with AECOM, of Waterloo, Iowa, in the amount of \$147,300.00, in conjunction with the FY 2024 LaPorte Road Improvements, Phase I, Contract 1016, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Oumie Ceesay

4. Resolution approving Supplemental Agreement No. 6 with Stanley Consultants, Inc., of Des Moines, Iowa, in the amount of \$903,000.00, in conjunction with the FY 2022 11th Street and Park Avenue Bridge Replacements Project, Contract No. 1013, and authorizing the Mayor and City Clerk to execute said document.

Submitted by: Jamie Knutson, City Engineer

5. Resolution supporting submission of a pre-application by Studio Elysium, LLC for the Iowa Community Catalyst Building Remediation Program, to renovate a building located at 927 Sycamore Street, Waterloo, Iowa.

Submitted by: Noel Anderson, Community Planning and Development Director

6. Resolution approving a development and minimum assessment agreement with Studio Elysium, LLC for the rehabilitation of a one residential unit and a salon, located at 927 Sycamore Street, approving a development grant of \$5,000.00 for the single residential unit and the CURA tax abatement, and minimum assessment agreement for \$170,000.00 and authorizing the mayor and city clerk to execute said document.

Submitted by: Noel Anderson, Community Planning and Development Director

7. Resolution approving a Development Agreement with PWM 1 Warehouse, LLC, for the construction of a commercial building no less than 83,900 square feet, Minimum Assessment Agreement with a minimum assessed value of \$4,200,000.00, tax rebates of 95 percent for years one through eleven, 55 percent for year twelve and fifty percent for years thirteen through seventeen, on property located northwest of 3530 Marnie Avenue in the Martin Road TIF District, and authorize Mayor and City Clerk to execute said documents.

Submitted by: Noel Anderson, Community Planning and Development Director

ORDINANCES

1. **An ordinance establishing a new Parklet Program.**

Motion to receive, file, consider and pass for the first time an ordinance amending the City of Waterloo Code of Ordinances by establishing a new Article H, Parklet, of Chapter 4, Businesses Relating to Sales, of Title 3, Business and License Regulations.

Motion to suspend the rules.

Motion to receive, file, consider, and pass for the second and third times and adopt said ordinance.

Submitted by: John Chiles, Ward 1 Council Member

2. An ordinance establishing a new Sidewalk Cafe Program.

Motion to receive, file, consider and pass for the first time an ordinance amending the City of Waterloo Code of Ordinances by establishing a new Article G, Sidewalk Cafe, of Chapter 4, Businesses Relating to Sales, of Title 3, Business and License Regulations.

Motion to suspend the rules.

Motion to receive, file, consider, and pass for the second and third times and adopt said ordinance.

Submitted by: John Chiles, Ward 1 Council Member

OTHER COUNCIL BUSINESS

1. Motion approving denial of an Exception to Burning Yard Waste application for H&A LC, 3227 E. Washburn Rd, for a request to burn trees removed from fence line on 2 empty lots next to 3280 Newell Street. Staff recommends denying the application.

ADJOURNMENT

Motion to adjourn.

Kelley Felchle
City Clerk