January 16, 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 16, 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.

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 January 2, 2024, as proposed or amended.

Feuss/Nichols
that the Minutes of January 2, 2024, Regular Session, as proposed, be approved. Voice vote-Ayes: Three. Motion carried.

Recognition of Waterloo Youth City Council members.

PUBLIC COMMENTS

Mary Potter, 1416 W. 4th Street, addressed the council on the importance of supporting programs for both the library and the Grout Museum.

Sam Blatt, Lafayette Street, spoke in support of a cease-fire resolution.

Larry Stumme, 1008 Lois Lane, shared about George Washington Carver and why he is such an important person in our history.

Alia Raman, 223 Southbrook Drive, shared why the Gaza West Bank crisis has become a state issue, as the Iowa House and Senate is sending a blank check to the state of Israel to continue with the siege.

Michael Blackwell spoke on the racial disparities in Waterloo and the state of Iowa.

Ms. Creighton-Smith echoed the comments on the need for council to meet and hopefully come to some resolution or agreement to address the requests regarding our Jewish, Palestinian or

Arab Americans citizens and work together to come up with some sort of voice that we are pro-life and love everyone.

Mr. Chiles shared that he is holding a ward meeting at the Sidecar Coffee Shop on Ridgeway at noon on the last Saturday of the month for constituents of Ward One.

Mr. Boesen thanked Mr. Bennett and his entire staff for their countless hours on snow removal during this last storm. He questioned if there are locations for sidewalk sand.

Randy Bennett, Public Works Division Manager, commented there is not and explained that the sand program has been discontinued, and the city only purchase salt now.

Mr. Nichols shared that he would hold a community forum next Tuesday at 5:30 p.m. at the Willie Mae Wright room at All-In Grocers.

Ms. Creighton-Smith commented that it is good to see that the house on Franklin is now down.

Mr. Boesen questioned if people pull a permit to demolish a home, are they required to do asbestos testing and abatement like the city does for 657A properties, and asked if it could be added to our permit process.

Noel Anderson, Community Planning and Development Director, commented that DNR standards do call for abatement services and stated that we could look into adding that to our permitting process.

Feuss/Chiles
to close the 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 8, 2024, in the amount of $2,492,509.80, and January 16, 2024, in the amount of $3,540,215.86. 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. 2024-015.

<u>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.</u>

Resolution adopted and upon approval by Mayor assigned No. 2024-016.

<u>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.</u>

Resolution adopted and upon approval by Mayor assigned No. 2024-017.

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.

Resolution adopted and upon approval by Mayor assigned No. 2024-018.

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.

Resolution adopted and upon approval by Mayor assigned No. 2024-019.

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.

Resolution adopted and upon approval by Mayor assigned No. 2024-020.

Resolution establishing a sister city relationship with Morant-Bay, St. Thomas, Jamaica.

Resolution adopted and upon approval by Mayor assigned No. 2024-021.

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.

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.

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.

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.

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.

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.

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.

William Frost Board/Commission: Community Development Expiration Date: January 16, 2026 New

Community Development Board minutes of October 2023 and public hearing minutes of December 7, 2023.

Cigarette/Tobacco/Nicotine/Vapor Permit New Application for Rays Supermarket 2, LLC, 1956 Lafayette Street.

Liquor Licenses

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

Bonds.

PUBLIC HEARINGS

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

Boesen/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.

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

Boesen/Chiles
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. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-022.

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.

Feuss/Nichols
to receive and file proof of publication 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.

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

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

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

Feuss/Nichols
to receive, file, 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. 5744.

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.

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

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

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

Nichols/Creighton-Smith
to receive, consider, file, 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. 5745.

RESOLUTIONS

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.

Feuss/Nichols

Mr. Boesen questioned when the parcels would be available for future development.

Noel Anderson, Community Planning and Development Director, commented that it will likely be thirty to ninety days as it is currently going through legal action.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-023.

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.

Feuss/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-024.
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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.

Feuss/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-025.

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.

Feuss/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-026.

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.

Boesen/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-027.

Resolution approving a development and minimum assessment agreement with Studio Elysium, LLC for the rehabilitation of 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.

Boesen/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-028.

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.

Boesen/Creighton-Smith

Mr. Boesen questioned the change in abatement percentages from when it was on a previous agenda, then removed.

Noel Anderson, Community Planning and Development Director, explained that it was pulled previously by the developer to reevaluate the project, but it was later discovered that there was an error in the spreadsheet.

Mr. Boesen questioned traffic flow for this development.

Noel Anderson commented that he does not believe it will as it was designed as an industrial area. He noted that it would be evaluated as the project moves ahead.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-029.

ORDINANCES

An ordinance establishing a new Parklet Program.

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

Mr. Boesen questioned the closing time preference of the police chief.

Chief Joe Leibold explained that his recommendation is that the parklets close at midnight and the sidewalk cafe's close at 2:00 a.m.

Mr. Boesen questioned the broader district area for parklets and commented on safety concerns due to the speed limit, particularly on E. 5th Street.

Mr. Chiles commented that the ordinance limits parklets to roadways with a speed limit of less than 30 mph. He explained that he does not agree with an earlier closing time as recommended by the police chief.

Chief Leibold explained the reasoning for his recommendation, noting that most restaurants close before midnight.

Ms. Creighton-Smith questioned the curfews on other parklets across the state.

Jessica Rucker, Executive Director of Main Street Waterloo, commented that each community decides what is best for them.

Mr. Ras Smith, Experience Waterloo, commented that the goal and intent of the ordinance was to provide the least amount of restrictions so that business owners could take advantage of this opportunity and be self-regulating to what fits their business.

Mr. Feuss questioned the latest that restaurants are serving food in this area.

Jessica Rucker shared that most restaurants in the area stop serving food between 10:00 p.m. and 11:00 p.m. with some open until midnight on weekends.

Mr. Feuss questioned if this ordinance will prevent the use of parklets after midnight or just from having food at the parklets.

Mr. Chiles said it would prevent the parklets from having food, drink or smoking past 2:00 a.m.

Mayor Hart questioned if neighboring retail businesses have had an opportunity to share their thoughts on the issue.

Jessica Rucker explained that the focus was on the restaurants and bars and that the only parking spaces that would be affected would be those directly in front of the business, unless they have the written consent of a neighboring business. She stated that statistics show that there is a 44 percent increase in foot traffic which could also benefit the retailers.

Feuss/Nichols
to amend the language in 3-4H-11(2)(b) and 3-4H-12(B)(1), from 2:00 a.m. to 12:00 a.m.

Mr. Simon agrees with the amendment.

Ms. Creighton-Smith shared her concerns about the amendment.

Roll Call vote-Ayes: Four. Nays: Three (Creighton-Smith, Chiles and Wilder). Motion carried.

Chiles/Feuss
to amend language in 3-4H-5(1) by adding streets with speed limits of 25 miles per hour or less. Roll Call vote-Ayes: Seven. Motion carried.

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

Chiles/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. 5746.

An ordinance establishing a new Sidewalk Cafe Program.

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

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

Chiles/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. 5747.

OTHER COUNCIL BUSINESS

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.

Boesen/Creighton-Smith

Fire Chief Bill Beck provided comment on the recommendation to deny.

Voice vote-Ayes: Seven. Motion carried.

ADJOURNMENT

Feuss/Boesen
that the meeting adjourn at 6:54 p.m. Roll Call vote-Ayes: Seven. Motion carried.

Notes for this meeting were taken by City Attorney, Martin Petersen.

Kelley Felchle
City Clerk