February 19, 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 Monday, February 19, 2024.

Roll Call.

Mayor Pro Tem Ray Feuss 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.

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

Approval of Minutes of February 5, 2024, as proposed or amended.

Nichols/Wilder
that the minutes of February 5, 2024, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

PUBLIC COMMENTS

The following individuals commented on various subjects.

Mary Potter and Nick Erickson, Grout Museum; Bev Byford, 1045 Virginia Street; Coteel Kirk, No address provided; Michelle Feltes, 209 Mulberry Street; Kirk Howard, Hospitality House; George Meeks, 609 E. Donald Street; Brian Helmrichs, 325 E. Park; Amelia Gotera, no address provided; Charlie Grove, 1426 Shamrock Drive; Whitney Rissi, Waterloo Resident; Kyle Carcash, Greenbrier neighborhood; Erica Rissi, no address provided; Edwardo Cassanova, from California; Joe Gorton, 510 Wilshire; David Dryer, 3145 W. 4th Street.

Mr. Boesen encouraged everyone to contact their federal elected officials to support the bill in congress.

Ms. Wilder thanked all those who shared their comments. She questioned when the LED lighting on University would be working again.

Jamie Knutson, City Engineer, shared that LED lighting has been an ongoing issue since they've been installed. He stated that he would keep council updated as we continue to work through the issue with the contractor.

Ms. Creighton-Smith thanked everyone for speaking tonight. She shared that trucks are once again driving on Newell Street. She also requested to be part of the conversation for the sewer issue on Virginia Street

Wilder/Nichols
to close public comments. Voice vote-Ayes: Seven. Motion carried.

CONSENT AGENDA

Nichols/Wilder
that the following items on the consent agenda be received and placed on file, including payment of bills for February 12, 2024, in the amount of $3,709,703.06, and February 19, 2024, in the amount of $1,455,749.54. Roll Call vote-Ayes: Seven. Motion carried. Mr. Simon abstained from Item No. 3 for business reasons.

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. 2024-080.

Resolution approving the request by Michael Scheffler, for tax exemptions on the construction of a new single family home valued at $300,000.00, for property located at 111 Coral Drive and located in the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2024-081.

Resolution approving the request by Michael Vandello, for tax exemptions on improvements to office space valued at $401,091.00, for property located at 216 E. 4th Street and located in the Consolidated Urban Revitalization Area (CURA).

Resolution adopted and upon approval by Mayor assigned No. 2024-082.

Resolution approving the request by Sidney Gashi, for tax exemptions on the construction of a new twin home unit valued at $269,900.00, for property located at 4342 Mourning Dove Drive and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2024-083.

Resolution approving the request of Tammie Wayland for a waiver for an asphalt driveway located at 2512 Idaho Street, with elimination of the sidewalk section.

Resolution adopted and upon approval by Mayor assigned No. 2024-084.

Resolution approving preliminary plans, specifications, form of contract, bid documents, etc., setting the date of bid opening as February 29, 2024 and date of public hearing as March 4, 2024, in conjunction with the 2024-2026 Right-of-Way Mowing Contract, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-085.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as March 21, 2024, and date of public hearing as April 1, 2024, in conjunction with the FY 2025 and FY 2026 Complaint Mowing with Complaint Snow Removal Contract, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-086.

Resolution approving preliminary plans, specifications, form of contract, etc., setting the date of bid opening as March 7, 2024, and date of public hearing as March 18, 2024, in conjunction with the FY 2024 Kingsley Avenue Reconstruction Project, Contract No. 1100, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-087.

Resolution approving preliminary plans, specifications, form of contract, etc., setting the date of bid opening as March 7, 2024, and date of public hearing as March 18, 2024, in conjunction with the FY 2024 Broadway Street Reconstruction Project, Contract No. 1095, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-088.

Resolution approving preliminary plans, specifications, form of contract, etc., setting the date of bid opening as March 14, 2024, and date of public hearing as March 18, 2024, in conjunction with the FY 2024 Asphalt Overlay Program, Contract No. 1099, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-089.

Resolution approving Acknowledgment/Settlement Agreement with Hy-Vee, 2834 Ansborough Avenue, Waterloo, Iowa 50701, for tobacco violation-first offense, and acceptance of civil penalty in the sum of $300.00.

Resolution adopted and upon approval by Mayor assigned No. 2024-090.

Motion to approve Final Quantity Summary with Peterson Contractors, Inc. of Reinbeck, Iowa, for a net decrease of $16,950.00, in conjunction with the FY2023 Gates Park Pool Demolition, Contract No. 1053, and authorizing the Mayor and City Clerk to execute said document.

Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Peterson Contractors, Inc., of Reinbeck, Iowa, in the amount of $113,434.00, in conjunction with the FY 2023 Gates Park Pool Demolition Project, Contract No.1053, and receive and file a two-year maintenance bond.

Resolution adopted and upon approval by Mayor assigned No. 2024-091.

Resolution approving cancellation of assessments for 1020 W. 3rd Street in the amount of $270.05, and 1712 Black Hawk Street in the amount of $180.68, and authorizing the City Clerk to notify Black Hawk County Treasurer of said cancellation.

Resolution adopted and upon approval by Mayor assigned No. 2024-092.

Resolution approving a Community Attraction and Tourism Grant Agreement No. 23-CAT-006, in the amount of $1,000,000.00, and authorizing required gap funding to complete the Transforming Gates and Byrnes Parks Project.

Resolution adopted and upon approval by Mayor assigned No. 2024-093.

Motion to receive and place on file the City of Waterloo the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2023.

Motion approving the appointment of **Steven Kjergaard** to the position of Director of Aviation in the Waterloo Airport Department, effective February 29, 2024.

Motion approving the appointment of **Barbara Reiter** to the position of Administrative Secretary in the Traffic Operations Department, effective March 4, 2024, pending pre-employment physical and drug testing.

Motion approving the appointment of **Dawn Ward** to the position of EMS Administrative Assistant in the Fire Department, effective February 26, 2024.

Motion to approve the appointment of **Daniel Baker** from the current Civil Service List to the position of Engineer Assistant in the Engineering Department, effective February 20, 2024.

Motion to approve the appointment of **LeKeisha Veasley** to the position of Housing Authority Director in the Housing Department effective March 4, 2024.

Communication on the notice of the conclusion of employment of Wendy Bowman, Special Projects Coordinator, effective January 3, 2024, with recommendation of approval of payout of $3,953.57 for unused benefits.

Communication from the Airport Department on the notice of the conclusion of employment of Keith Kaspari, Airport Director, effective January 26, 2024, with recommendation of approval of payout of $14,975.40 for unused benefits.

Communication from the Community Development Department on the notice of the conclusion of employment of Anita Rousselow, Administrative Secretary, effective February 2, 2024, with recommendation of approval of payout of $2,021.01 for unused benefits.

Communication from the Housing Authority Department on the notice of the conclusion of employment of Julie Dawson, Housing Authority Director, effective January 31, 2024, with recommendation of approval of payout of $10,538.56 for unused benefits.

Communication from the Traffic Department on the notice of the conclusion of employment of Susan Holmes, Administrative Secretary, effective January 26, 2024, with recommendation of approval of payout of $9,797.34 for unused benefits.

Matthew Gilbert Board/Commission: Historic Preservation Commission Expiration Date: February 6, 2026 (Amended Term)

Terry Pearson Stevens Board/Commission: Historic Preservation Commission Expiration Date: February 6, 2026 (Amended Term)

Ed Ottesen Board/Commission: Historic Preservation Commission Expiration Date: February 6, 2026 (Amended Term)

Liquor Licenses

a. Babes Tap, 210 Division St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 3/14/2025.
b. Cedar Valley Fish Market, 218 Division St., Special Class C Alcohol w/Sunday Sales (Renewal) Exp: 1/25/2025.
c. ML Golf-Gates Park Golf Course, 820 E. Donald St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 2/28/2025.
d. Prime Mart, 3535 Marigold Dr., Class E Alcohol w/Sunday Sales (Renewal) Exp: 1/19/2025.
e. Elitte Cafe' Bar, 1108 Jefferson St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 2/7/2025.
f. Hy-Vee Market Cafe' #3, 1422 Flammang D., Class C Alcohol w/Catering and Sunday Sales (Renewal) Exp: 3/15/2025.
g. Buzz's Bar, 1016 Maynard Ave., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 3/14/2025.
h. Crossroads Cinema, 2450 Crossroads Blvd., Class C Alcohol w/Sunday Sales (Renewal) Exp: 3/14/2025.
i. Danny's On Donald, 1125 W. Donald St., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 10/4/2024.
j. Laid Back Social Club, 501 Independence Av., Class C Alcohol w/Sunday Sales (Renewal) Exp: 2/21/2025.
k. ML Golf-Irv Warren Memorial Golf Course, 1000 Fletcher Ave., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 2/28/2025.
l. ML Golf-South Hills Golf Course, 1830 E. Shaulis Rd., Class C Alcohol w/Outdoor Service and Sunday Sales (Renewal) Exp: 2/28/2025.
m. SingleSpeed Brewing, 325 Commercial St., Class C Alcohol w/Outdoor Service, Catering and Sunday Sales (Renewal) Exp: 12/31/2024.
n. Sycamore Convenience, 617-619 Sycamore St., Class E Alcohol w/Sunday Sales (Renewal) Exp: 3/11/2025.
o. Tokyo Japanese Steakhouse, 1931 Sears St., Class C Alcohol w/Outdoor Service and

Sunday Sales (Renewal) Exp: 2/13/2025.

p. Local Bar Hop, 708 Commercial St., Class C Alcohol w/Outdoor Service and Sunday Sale (New) Exp: 1/31/2025.

Motion to approve a Cigarette/Tobacco/ Nicotine/Vapor Permit Application for The Spot III, 117 E. San Marnan Drive.

PUBLIC HEARINGS

Issuance of not to exceed $8,500,000.00 Sewer Revenue Capital Loan Notes, Series 2024A (State of Iowa Revolving Fund Loan).

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 the hearing. Voice vote-Ayes: Seven. Motion carried.

Boesen/Chiles
Resolution Instituting Proceedings to Take Additional Action for the Issuance of not to exceed $8,500,000.00 Sewer Revenue Capital Loan Notes, Series 2024A (State of Iowa Revolving Fund Loan). Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-094.

Request by Turnkey Associates on behalf of the House of Hope to rezone 0.28 acres from “R-4” Multiple Residence District to “C-1” Neighborhood Commercial District to allow for the construction of a 6,200 square foot office building addition located southwest of 845 West 4th Street.

Nichols/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.

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

Nichols/Wilder

to receive, file and consider and pass for the first time an ordinance approving a request by Turnkey Associates, on behalf of House of Hope, to rezone 0.28 acres from “R-4” Multiple Residence District to “C-1” Neighborhood Commercial District to allow for the construction of a 6,200 square foot office building addition located southwest of 845 West 4th Street. Roll Call vote-Ayes: Seven. Motion carried.

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

Nichols/Wilder
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. 5751.

<u>Sale and conveyance of city-owned property to NADROJ Realty, LLC, in the amount of $1.00, with a Development and Minimum Assessment Agreement in the amount of $1,800,000.00, for the construction of an industrial building of approximately 46,000 square feet, and a future option on Lot 2, Waterloo Air and Rail Park 1st Addition, located south of 115 Warp Drive.</u>

Wilder/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.

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

Wilder/Nichols
Resolution approving the sale and conveyance of city-owned property, located south of 115 Warp Drive, to NADROJ Realty, LLC, in the amount of $1.00, 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. 2024-095.

Wilder/Nichols
Resolution approving a Development and Minimum Assessment Agreement with NADROJ Realty, LLC, for the construction of a new building of approximately 46,000 square feet, with a minimum assessed value of $1,800,000.00 and property tax rebate schedule of five years at fifty percent, and authorizing the Mayor and City Clerk to execute said document. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-096.

<u>Sale and conveyance of city-owned property located east of 408 Florence Street in three parts, in the amount of $70.00 plus publishing and recording costs for each part, including a part to Jorge Garcia Villa, a part to Jose Guzman and Elvia Ramirez and a part to Catalina and Paulino Sanchez.</u>

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 hearing. Voice vote-Ayes: Seven. Motion carried.

Chiles/Wilder
Resolution approving the sale and conveyance of city-owned property located east of 408 Florence Street in three parts, in the amount of $70.00 plus publishing and recording costs for each part, including a part to Jorge Garcia Villa, a part to Jose Guzman and Elvia Ramirez and a part to Catalina and Paulino Sanchez 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. 2024-097.

Mr. Chiles an Mr. Boesen commented that they support this resolution.

<u>Request by Jayson Vaughn to vacate an eight-foot by eight-inch utility easement to allow for the construction of an accessory structure in the "R-2" One and Two Family Residence District located at 109 Oak Ridge Road.</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 Jayson Vaughn to vacate an eight-foot by eight inch utility easement to allow for the construction of an accessory structure in the "R-2" One and Two Family Residence District located at 109 Oak Ridge Road. 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. 5752.

<u>RESOLUTIONS</u>

Resolution of the City of Waterloo, Iowa, authorizing official banking signatures.

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-098.

Resolution approving a request by JSA Development for an Encroachment Agreement to allow for the installation of decorative lights along the public sidewalk along East Park Avenue in the "C-2" Commercial District at 425 Franklin Street.

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-099.

Resolution approving the Real Estate Purchase Agreement with Zachary Beschorner for property located at 1103 Commercial Street, in the amount of $45,920.00 plus up to $2,000.00 in closing costs, and authorizing the Mayor and City Clerk to execute said document.

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-100.

Resolution approving a Purchase Agreement with Landscape Forms, Inc., of Kalamazoo, Michigan, in the amount of $51,179.46 in conjunction with the FY 2024 Gates Park Renovation Amenities purchase, and authorizing the Mayor to execute said documents.

Creighton-Smith/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-101.

Resolution approving a Professional Service Agreement with Terracon Consultants of Cedar Falls, Iowa, in conjunction with construction observation and materials testing, with a cost estimate of $6,692.50, in conjunction with the FY 2024 Byrnes Aquatic Center, Contract No. 1077, and authorizing the Mayor to execute said documents.

Creighton-Smith/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-102.

Resolution approving changes to the City Travel and Meeting Policy, effective February 20, 2024.

Creighton-Smith/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-103.

Resolution amending a Letter of Intent originally executed on August 10, 2023, with Trillium Transportation Fuels, LLC, of Houston, Texas, for a second extension of ninety days with no additional charge, for the design, construction, and operation of a renewable natural gas project at the City Waste Water Treatment plant and anaerobic lagoon, and authorizing the Mayor to execute said document.

Nichols/Wilder

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-104.

Ms. Creighton-Smith questioned the need for a 90 day extension.

Randy Bennett, Public Works Division Manager, provided an update on the need for the 90 day extension.

Resolution approving Amendment No. 3 to the Professional Services Agreement originally executed December 8, 2022, with Strand Associates Inc., of Madison, Wisconsin, for bidding-related services associated with the Third Party Renewable Natural Gas Project, and authorizing the Mayor to execute said document.

Nichols/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-105.

Resolution approving a Real Estate Purchase Agreement with Nationstar Mortgage, LLC, and a deed to sell real property to the City of Waterloo, in the amount of $22,000.00, including closing costs and fees, located at 233 Gable Street and authorizing the Mayor to execute said documents.

Nichols/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-106.

CLOSED SESSION

Closed Session on the purchase of real estate pursuant to Iowa Code Section 21.5(1)(j).

Wilder/Creighton-Smith
to adjourn to an executive session at 6:47 p.m. to discuss the purchase of real estate pursuant to Iowa Code Section 21.5(1)(j). Roll Call vote-Ayes: Seven. Motion carried.

to adjourn from an executive session at 7:03 p.m. Voice vote-Ayes: Seven. Motion carried.

ADJOURNMENT

Wilder/Creighton-Smith
that the council adjourn at 7:03 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk