March 4, 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, March 4, 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. Mr. Chiles and Ms. Wilder joined via Zoom.

Prayer or Moment of Silence.

Pledge of Allegiance - Rob Nichols, At-Large Council Member

Approval of Agenda as proposed or amended.

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

Approval of Minutes of February 19, 2024, Regular Session and February 20, 2024, Special Session, as presented.

Feuss/Creighton-Smith
that the minutes of the February 19, 2024, Regular Session and the February 20, 2024, Special Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

Mayor Hart read a proclamation calling for a cease-fire in the Israeli-Gaza conflict.

PUBLIC COMMENTS

The following individuals commented on various subjects.

Charlie Grove, 1426 Shamrock Dr., Larry Stumme, 1008 Lois Ln., Forest Dillavou, 1725 Huntington Rd., Michael Blackwell, 5125 Millenium Drive, Cedar Falls, Beverly Cosby, 315 Wendell Ct., Nassar Hasir, Denver St.

Mr. Boesen encouraged department heads to put more information in the council communications so that the council and the public have a better understanding of what the agenda item is about. He further asked departments to take a deep dive into our city website and review what is listed in their departments, as he has found errors.

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

CONSENT AGENDA

Feuss/Nichols
that the following items on the consent agenda be received and placed on file, including

payment of bills for February 26, 2024, in the amount of $4,192,258.34, and March 4, 2024, in the amount of $821,872.11. Roll Call vote-Ayes: Seven. Motion carried.

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

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-107.

Resolution setting date of public hearing as March 18, 2024, for the sale and conveyance of city-owned property located north of 216 Sunnyside Avenue, in the amount of $1.00, to Iowa Heartland Habitat for Humanity, including approval of a Development Agreement for the construction of a single-family home and a grant of $5,000.00 for infill housing development, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-108.

Resolution setting date of public hearing as March 18, 2024, for the sale and conveyance of city-owned property located at 215 Locust Street, in the amount of $5,000.00, to Marcelino Balion Perez, including a Development Agreement and Real Estate Contract, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-109.

Resolution setting date of the proposed levy public hearing as April 1, 2024, at 4:30 p.m. to approve the proposed levy rates as required by the state, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-110.

Resolution approving award of bid to KW Electric, Inc., of Cedar Falls, Iowa, in the amount of $46,074.00, approving the contract, bonds, and certificate of insurance, in conjunction with the Airport CARES Maintenance Grant, FAA AIP Project No. 3-19-0094-048, Miscellaneous Lighting Replacement Project, 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. 2024-111.

Motion to approve Final Quantity Summary, with K & W Electric, Inc., of Cedar Falls, Iowa, for a net increase of $307.90, in conjunction with the FY 2022 4th Street Bridge and Dam Lighting Project, Contract No. 1054, and authorizing the Mayor and City Clerk to execute said document.

Feuss/Nichols
Voice vote-Ayes: Seven. Motion carried.

Mayor Hart requested an update of the project.

Jamie Knutson, City Engineer, commented that everything that was bid for had been completed. He explained that there was some additional programming that public works had requested.

Randy Bennett, Public Works Division Manager, explained the program integration that was requested.

Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by K & W Electric, Inc., of Cedar Falls, Iowa, in the amount of $696,730.20, in conjunction with the FY 2022 4th Street Bridge and Dam Lighting Project, Contract No. 1054, and receive and file a two-year maintenance bond.

Feuss/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-115.

Resolution approving Acknowledgment/Settlement Agreement for Tobacco Violation - First Offense, with National Cigar Store, 617 Sycamore Street, Waterloo, Iowa 50703, and acceptance of a civil penalty in the amount of $300.00, 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. 2024-112.

Resolution approving Acknowledgment/Settlement Agreement for Tobacco Violation - First Offense with Greenleaf Tobacco & E-Cigs, 1608 University Avenue, Suite B, Waterloo, Iowa 50701, and acceptance of a civil penalty in the amount of $300.00, 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. 2024-113.

Resolution approving Acknowledgment/Settlement Agreement for Tobacco Violation - First Offense with Metro Mart #4, 2322 Falls Avenue, Waterloo, Iowa 50701,and acceptance of a civil penalty in the amount of $300.00, 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. 2024-114.

Communication from the Street Department on the notice of the conclusion of employment of Gary Troutwine, Equipment Operator I, effective February 26, 2024, with recommendation of approval of payout of $1,052.64 for unused benefits.

Motion approving the appointment of **Allen Guthart** from the current Civil Service List to the position of Animal Control Officer in the Animal Control Department, effective March 5, 2024, pending pre-employment physical and drug testing.

Motion approving the appointment of **Brian Wirtz** from the current Civil Service List to the position of Chief Building Inspector in the Building Department, effective March 5, 2024.

Robert Welch, Board/Commission: Leisure Service Commission, Expiration Date: March 4, 2027 (New)

Motion to receive and file Leisure Services Commission Board minutes of November 14, 2023.

Motion to receive and file Leisure Services Commission Board minutes of January 9, 2024.

Motion to receive and file Airport Board minutes of December 19, 2023.

Liquor Licenses

a. King Star, 2035 E. Mitchell Ave., Class B Alcohol w/Sunday Sales (Renewal) Exp: 1/19/2025.
b. Fairfield Inn & Suites, 2134 La Porte Rd., Class B Alcohol w/Sunday Sales (Renewal) Exp: 2/12/2025.
c. Sams Club #6514, 210 E. Tower Park Dr., Class E Alcohol w/Sunday Sales (Renewal) Exp: 2/28/2025.
d. El Senor Tequila Nightclub, 118 E. 11th St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 2/18/2025.
e. The Comfort Zone, 213 E. 5th St., Class C Alcohol w/Sunday Sales (Renewal) Exp: 1/17/2025.
f. Ari'z Restaurant & More, 205 W. 4th St., Class C Alcohol w/Outdoor Service and Sunday Sales (New) Exp: 1/23/2025.

PUBLIC HEARINGS

FY 2024 CIP Pipelining Phase IVB1, Contract No. 1102.

Feuss/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.

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

Feuss/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. 2024-116.

Feuss/Nichols
to receive, file, and instruct the City Clerk to read the bids. Voice vote-Ayes: Seven. Motion carried.

Engineer's Estimate: Base Bid: $421,315.84 / Alt 1: $96,707.07 / Total Bid Estimate: $518,022.91
Insituform Technologies, US, LLC, Chesterfield, MO - 5% Security - Base Bid: $662,334.60 / Alt 1: $182,569.30
Municipal Pipe Tool, Co., LLC Hudson, IA - 5% Security - Base Bid: $416,121.20 / Alt 1: $117,607.00

Feuss/Nichols
Resolution approving award of bid to Municipal Pipe Tool Co., LLC of Hudson, Iowa, in the amount of $416,121.20, reserving the right to authorize part or all the work described in Alternate No. 1 for $117,607.00, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2024 CIP Pipelining Phase IVB1, Contract No. 1102, 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. 2024-117.

<u>2024-2026 Right-of-Way Mowing Contract.</u>

Nichols/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.

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

Nichols/Feuss
Resolution approving plans, specifications, form of contract etc., and authorizing to proceed. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-118.

Nichols/Feuss
to receive and file and instruct the City Clerk to read bids and refer to Leisure Services Director for review. Voice vote-Ayes: Seven. Motion carried.

Professional Lawn Care, Waterloo, IA - 5% Security - Opt A: $86.75 per acre / Opt B: $82.50 per acre / Opt C: $89.75 per acre / Opt D: $376.50 per acre / Opt E: $774.80 per mowing.
Adams Outdoor Contracting, Inc. - 5% Security - Opt A: $79.99 per acre / Opt B: $97.99 per acre / Opt C: $79.99 per acre / Opt D: $249.99 per acre / Opt E: $799.99 per mowing.

General Obligation Bonds - ECP-1 - The issuance of not to exceed $4,200,000.00 General Obligation Bonds for essential corporate purposes.

Feuss/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.

David Dryer, 3145 W. 4th Street, questioned the status of bonding from the last fiscal year and a description of each of the four bonds.

Bridgett Wood, Finance Director, provided an overview of the amount of bonds paid off last fiscal year and this fiscal year. She further explained the difference between general corporate purpose and essential corporate purpose.

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

Feuss/Nichols
Resolution instituting proceedings to take additional action for the issuance of not to exceed $4,200,000.00 General Obligation Bonds. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-119.

Mr. Boesen questioned if bonds for Waterloo Fiber will also be paid using user fees.

Bridgett Wood explained that the city will pay for the bonds initially but when the utility generates revenue it will pay the city back.

General Obligation Bonds - GCP-2 The issuance of not to exceed $700,000.00 in General Obligation Bonds for general corporate purposes.

Feuss/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.

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

Feuss/Nichols
Resolution instituting proceedings to take additional action for the issuance of not to exceed $700,000.00 General Obligation Bonds. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-120.

General Obligation Bonds - GCP-3 The issuance of not to exceed $700,000.00 in General Obligation Bonds for general corporate purposes.

Feuss/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.

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

Feuss/Nichols
Resolution instituting proceedings to take additional action for the issuance of not to exceed $700,000.00 General Obligation Bonds. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-121.

General Obligation Bonds - GCP-4 - The Issuance of not to exceed $700,000.00 General Obligation Bonds for essential

Feuss/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.

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

Veuss/Nichols
Resolution instituting proceedings to take additional action for the issuance of not to exceed $700,000.00 General Obligation Bonds. Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-122.

RESOLUTIONS

Resolution authorizing the issuance of General Obligation Bonds, Series 2024, and levying a tax for the payment thereof.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-123.

Resolution approving and authorizing a form of Loan and Disbursement Agreement by and between the City of Waterloo, Iowa, and the Iowa Finance Authority, and authorizing and providing for the issuance and securing the payment of $7,948,000.00 Sewer Revenue Capital Loan Notes, Series 2024A, of the City of Waterloo, Iowa, under the provisions of the Code of Iowa, and providing for a method of payment of said Notes; Approval of the Tax Exemption Certificate.

Nichols/Creighton-Smith
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-124.

Resolution approving Amendment No. 1 to the Professional Services Agreement with HR Green, Inc., originally executed on March 1, 2021, in the increased amount of $20,000.00, in conjunction with the 2021 EPA Brownfields Hazardous Substances and Petroleum Assessment Grant.

Nichols/Creighton-Smith

Mr. Boesen requested an explanation of what the extra $20,000.00 is to cover.

Noel Anderson, Community Planning and Development Director, explained that the additional $20,000 is for the hard court site.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-125.

Resolution approving a Temporary Construction Easement Agreement with Green Door Properties, LLC, located at 1420 West Donald Street, in the amount of $641.27, and an additional $1,000.00 for the removal of trees, for a total compensation amount of $1,641.27, in conjunction with the Titus Lift Station and Force Main Project, and authorizing Mayor and City Clerk to execute said document.

Boesen/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-126.

Resolution approving an amendment to the Development and Minimum Assessment Agreement with Camenzind Masonry, LLC, originally executed on August 15, 2022, in conjunction with a project located at 115 Warp Drive, to extend the completion date to October 31, 2024, and extending their Minimum Assessment date to December 31, 2034, and authorizing the Mayor and City Clerk to execute said document.

Boesen/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-127.

Resolution approving the Real Estate Purchase Agreement with Dhani Re Investments, LLC, for property located at 310 Upland Drive, in the amount of $400,000.00 plus up to $2,000.00 in closing costs, and authorizing the Mayor and City Clerk to execute said document.

Boesen/Nichols

The following individuals commented on this resolution: Forest Dillavou, 1725 Huntington Road and David Dryer, 3145 W. 4th Street.

Noel Anderson, Community Planning and Development Director, concurs with the comments regarding the condition of the building. He shared background information on the property, the developer and how the price was negotiated.

Mr. Boesen questioned if a hazard assessment had been completed.

Noel Anderson explained it has not been assessed at this time.

Mr. Boesen questioned why we would enter into an agreement before we know what our overall expenses will be for asbestos abatement.

Noel Anderson explained that it is pretty standard practice and that the agreement allows for us to back out based on that type of environmental finding.

Mr. Boesen requested a ballpark estimate to tear down the building and get it ready for development.

Noel Anderson commented that would depend on the amount of asbestos found and provided a guesstimated amount of $120,000 to $160,000.

Mr. Boesen commented on his apprehensions on this sale.

Mr. Simon requested an explanation of general funding and TIF funding.

Noel Anderson provided an explanation.

Mr. Chiles commented that this property was brought up to him by citizens in that neighborhood. He stated that with this being in a TIF district, it makes the acquisition more reasonable, and he would be in favor of releasing this area after it was demolitioned with the intention of it going into residential. Neighbors have told him that even with the high cost they still want to see it gone. He asked for confirmation that we have the dollars available in the TIF and other costs that may occur.

Noel Anderson confirmed funds are available through TIFs and bonds and reviewed the process of releasing the site as residential.

Ms. Creighton-Smith questioned if was a possibility for the city to tear the building down and then ask the owner to build on it.

Noel Anderson shared that the current owner has no interest in new construction.

Mr. Boesen questioned the comment that the owner has no interest in new construction and asked if the owner had been approached at selling the lots for someone else to develop. He further questioned if the developer

Noel Anderson explained that he stated he was not interested in one and two-family homes, his interest is in redevelopment of existing buildings for multi-family dwellings.

Roll Call vote-Ayes: Five. Nays: Two (Boesen and Wilder). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-128.

Resolution approving an amendment and extension to the Community Garden Agreement with the University of Northern Iowa Center for Energy and Environmental Education, to utilize an expanded designated portion of Highland Park as a community garden for growing vegetables, and authorizing the Mayor to execute said document.

Nichols/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-129.

Resolution approving a Professional Services Agreement with Trane Technologies, in the amount not to exceed $100,000.00, for the replacement and installation of CO and CO/NO2 sensors and the interlocks with associated exhaust fans for the Public Works Building, and authorizing the Mayor to execute said document.

Nichols/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-130.

Resolution approving a Federal-aid Agreement, Project No. HDP-8155(783)--71-07, with the Iowa Department of Transportation, in the amount of $2,711,900.00, in conjunction with the La Porte Road Improvements Project, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-131.

Resolution approving a Federal-aid Agreement, Project No. HDP-8155-(786)--71-07, with the Iowa Department of Transportation, in the amount of $2,830,500.00, in conjunction with the La Porte Road Improvements Project, 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. 2024-032.

Resolution approving a Federal-aid Agreement, Project No. HDP-8155(775)--71-07, with the Iowa Department of Transportation, in the amount of $4,386,427.00, in conjunction with the La Porte Road Improvements Project, 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. 2024-033.

Resolution approving a Professional Services Contract with Employee & Family Resources of Des Moines, Iowa, in the amount of $15,552.00, to continue to provide an Employee Assistance Program, and authorizing the Mayor to execute said document.

Feuss/Nichols

The following individuals commented on this item: David Dryer, 3145 W. 4th Street.

Mayor Hart explained the program.

Mr. Boesen questioned if this was a renewal contract or a new contract.

Missy Gearhart, Assistant Human Resources Director, explained that this is a new provider and that the contract offers more services for the same price.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-034.

Resolution approving an Amendment to the Development and Minimum Assessment Agreement with Airline Storage, LLC, originally approved June 20, 2022, to extend the date to complete Phase I to December 31, 2024, Phase II completion to December 31, 2025, and exercising the option for Phase II property on or before September 30, 2024, for property located at 3318 West Airline Highway, 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. 2024-035.

ADJOURNMENT

Feuss/Boesen
that the council adjourn at 6:47p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk