April 1, 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, April 1, 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.

Approval of Agenda as proposed or amended.

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

Approval of Minutes of March 18, 2024, Regular Session, as proposed or amended.

Feuss/Nichols
that the minutes of March 18, 2024, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

PUBLIC COMMENTS

The following individuals commented on various subjects.

LC Smith, 416 Oliver Street, Michael Blackwell, 5125 Millenium Drive, Cedar Falls and Larry Stumme, 1008 Lois Lane.

Feuss/Wilder
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 March 25, 2024, in the amount of $4,555,090.13, and April 1, 2024, in the amount of $1,509,411.78. 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.

Resolution adopted and upon approval by Mayor assigned No. 2024-164.

Resolution approving a request by Natasha Lash for tax exemptions on the construction of a new twin home unit valued at $269,900.00, for property located at 4148 Omaha Avenue, and located in the City Limits Urban Revitalization Area (CLURA).

Resolution adopted and upon approval by Mayor assigned No. 2024-165.

Resolution setting date of public hearing as April 15, 2024, to approve the FY 2025 budget, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-166.

Resolution setting the date of public hearing as April 15, 2024, for the sale and conveyance of City-owned property to Gearheart Moore Holdings, LLC, in the amount of $1.00, with a Development and Minimum Assessment Agreement for renovation of the former Rath Administration Building, and instruction the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-167.

Resolution setting date of public hearing as April 15, 2024, for the sale and conveyance of approximately 93.7 acres of city-owned property to PWM Companies, LLC, in the amount of $1.00, including a Development Agreement, with a grant schedule for reimbursement of infrastructure improvements, located east of 4342 Ansborough Avenue at the southeast corner of the Ansborough Avenue and Highway 20 Interchange, for the construction of commercial buildings, rescinding Resolution 2023-658, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-168.

Resolution setting date of public hearing as May 6, 2024, to approve proposed repairs, in conjunction with the FY 2025 Sidewalk Inspection and Repair Program – Zone 4, and approve a request to send out notification to property owners of proposed sidewalk repairs and estimate of costs, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-169.

Resolution approving preliminary plans, specifications, form of contract, etc., setting date of bid opening as April 18, 2024, and date of public hearing as May 6, 2024, in conjunction with the FY 2025 Levee Rip Rap Spraying Project, Contract No. 1104, and instruct the City Clerk to publish notice.

Resolution adopted and upon approval by Mayor assigned No. 2024-170.

Resolution approving award of bid to Aspro, Inc., of Waterloo, Iowa, in the amount of $3,819,933.40, approving the contract, bonds, and certificate of insurance, in conjunction with the FY 2024 Asphalt Overlay Program, Contract No. 1099, and authorizing the Mayor and City Clerk to execute said documents.

Resolution adopted and upon approval by Mayor assigned No. 2024-171.

Resolution approving an application from the City of Waterloo, Iowa, to the Black Hawk Metropolitan Planning Organization, for a Carbon Reduction Program funding grant for the North Elk Run Road Widening project.

Resolution adopted and upon approval by Mayor assigned No. 2024-172.

Resolution approving submission of an application to the Black Hawk County Metropolitan Area Transportation Policy Board for Surface Transportation Block Grant Program Funding Grant application, in the amount of $1,702,458.00, in conjunction with the Ridgeway Avenue and Hammond Avenue Intersection Roundabout Project.

Resolution adopted and upon approval by Mayor assigned No. 2024-173.

Resolution approving submission of the Iowa Grade Crossing Surface Repair Fund application, along with the Iowa Northern Railway, to the Iowa Department of Transportation, in conjunction with the 11th Street Railroad Crossing Surface Repair Project, with the City being responsible for the cost of traffic control and twenty-percent of the construction cost, and authorizing the Mayor to execute said document.

Resolution adopted and upon approval by Mayor assigned No. 2024-174.

Resolution approving a grant award with HUD, Office of Lead Hazard Control and Healthy Homes, in the amount of $1,999,991.00, in conjunction with Community Development, and authorizing the Mayor to execute said document.

Resolution adopted and upon approval by Mayor assigned No. 2024-175.

Motion to approve Change Order No. 11 with ITG Communications, LLC, of Hendersonville, Tennessee, for a net increase of $72,112.07, in conjunction with the FY 2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1088, and authorizing the Mayor and City Clerk to execute said document.

Motion to approve Change Order No. 1 with Peters Construction Corporation, of Waterloo, Iowa, for a net increase of $6,038.00, in conjunction with the Waterloo Convention Center Restroom Renovation Project, and authorizing the Mayor to execute said document.

Motion approving the appointment of Kyle Frost from the current Civil Service List to the position of Sewer Maintenance Worker in the Waste Management Services Department, effective April 2, 2024, pending pre-employment physical and drug testing.

Communication from the Police Department on the notice of the conclusion of employment of Mitchell McGee, Police Officer, effective March 15, 2024, with recommendation of approval of payout of $16,982.38 for unused benefits.

Communication from the Waste Management Services Department on the notice of the conclusion of employment of Howard Brooks, Waste Water Operator, effective March 21, 2024, with recommendation of approval of payout of $1,827.60 for unused benefits.

Exception to Burning Yard Waste Application by William Beck to burn invasive grass species on a former pasture located at 1994 Newell, between August 15 and October 15, 2024.

Motion to receive and file Community Development minutes of March 19, 2024.

Liquor Licenses

a. Hometown Foods, 1010 E Mitchell Avenue, Class E Alcohol w/Sunday Sales (Renewal) Exp: 4/30/2025.
b. Mughal, Inc., 735 Logan Avenue, Class E Alcohol w/Sunday Sales (Renewal) Exp: 4/23/2025.

PUBLIC HEARINGS

2025-2026 Complaint mowing with complaint snow removal.

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. 2024-176.

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

Engineer's Estimate: $65,000.00; Alt. A (Vacant Lots) Price per occurrence; Alt. B (Dilapidated Structures) Price per occurrence; Alt. C (Complaint Properties) Price per man hour; Alt. D (Snow Removal Complaint Properties) Price per man hour

P&J Lawn Care, Waterloo, IA - 5% security - Bid: Alt. A: $1,700.00; Alt. B: $1,700.00; Alt. C: $65.00; Alt. D: $110.00
Adams Outdoor Contracting, Inc., Waterloo, IA - 5% security - Bid: Alt. A: $2,699.00; Alt. B: $2,699.00; Alt. C: $299.96; Alt. D: $145.75

Feuss/Nichols
Resolution approving award of bid to P&J Lawn Care of Waterloo, Iowa Option A: $1,700.00, Option B: $1,700.00 per occurrence, Option C: $65.00 per man-hour, and Option D: $110.00 per man-hour, approving the contracts, bonds, and certificates of insurance, in conjunction with the FY 20245-2026 Complaint Mowing with Complaint Snow Removal Contracts, 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. 2024-177.

RESOLUTIONS

Resolution approving a Professional Service Agreement with Invision of Waterloo, Iowa, in the amount of $65,000.00, in conjunction with the Public Market Renovations Project, 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. 2024-178.

David Dryer, 3145 W. 4th Street, questioned what is needed to make this building habitable.

Noel Anderson, Community Planning and Development Director, shared that improvements are needed to the HVAC unit.

Resolution approving a Development and Minimum Assessment Agreement with River Plaza Investments, LLC, for renovation of an existing commercial building into no less than 56 residential units with a $5,000.00 infill housing incentive per unit, having a minimum assessed value of $6,730,000.00, with rebates of fifty percent for ten years, located at 10 West 4th Street, in the Downtown TIF District, 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. 2024-179.

Forest Dillavou, 1725 Huntington Road, questioned if the residential housing units would be paying taxes to the general fund.

Noel Anderson, Community Planning and Development Director, provided an overview of the agenda item.

Mr. Boesen commented that the city needs to reconsider parking requirements in C-3 zoning districts downtown.

Resolution approving a Professional Services Agreement with HR Green, in an amount not to exceed $125,500.00, to perform professional consulting services as a qualified environmental professional to assist with the management and implementation of a CERCLA Section 104(K) Cleanup Grant from the Environmental Protection Agency pertaining to environmental cleanup of former Rath buildings at 1442 Sycamore Street, 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. 2024-180.

David Dryer, 3145 W. 4th Street, questioned why this is our responsibility since we just sold the property.

Noel Anderson, Community Planning and Development Director, provided an overview of the item.

Resolution approving an Amendment to the Development Agreement with Waterloo Development Corporation, originally executed September 5, 2023, amending the anticipated budget from $2,895,704.00 to $3,163,958.50 in section 6 and the grant maximum amount from $2,695,704.00 to $2,963,958.50, and authorizing Mayor and City Clerk to execute said documents.

Boesen/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-181.

Resolution approving an Amendment to the Development Agreement with FDP WTC, LLC, originally executed January 11, 2016, to change the assessed value to $8,000,000.00, forgive interest payments during the pandemic, and authorizing the Mayor and City Clerk to execute said document.

Boesen/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-182.

Resolution approving the Real Property Charitable Donation Agreement with FDP WTC, LLC for approximately 2.25 acres within the Techworks Campus, and authorizing Mayor and City Clerk to execute said document.

Boesen/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-183.

Resolution approving the Cost-Share Grant Contract with the Iowa Department of Agriculture and Land Stewardship, for the Water Quality Initiative Program grant amount of $400,000.00, in conjunction with the FY 2023 Sunnyside Creek Improvements Wet Detention Pond and Channel Stabilization Project, Contract No. 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. 2024-184.

Resolution approving Supplemental Agreement No. 1, with AECOM, of Waterloo, Iowa, in the amount of $49,500.00, in conjunction with the FY 2024 Martin Luther King Jr. Drive Wetland A Restoration Project, Contract No. 1109, 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. 2024-185.

Resolution approving a Professional Services Agreement Amendment No. 1, with HR Green, in the amount not to exceed $84,000.00, in conjunction with the FY 2021 Shaulis Road Reconstruction - Hess Road to Hwy. 218 Project, Contract No. 1020, 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. 2024-186.

Mr. Simon questioned if item 7 would help with water runoff concerns.

Jamie Knutson, City Engineer, provided an overview of the project.

Mr. Simon questioned the estimated time frame.

Jamie Knutson commented it could be from one month to six months depending on property acquisitions.

Mr. Boesen complimented the staff for an extremely well written grant.

Resolution approving Supplemental Agreement No. 1 with Entrust Solutions Group (Magellan), of Denver, Colorado, in conjunction with the FY 2023 Construction of a Fiber-to-the-Premise Feeder/Distribution and Backbone Network Project, Contract No. 1088, and authorizing the Mayor and City Clerk to execute said document.

Feuss/Boesen
to postpone the resolution to our next meeting. Voice vote-Ayes: Seven. Motion carried.

Resolution approving Supplemental Agreement No. 9 to a Professional Services Agreement with Wayne Claassen Engineering and Surveying, Inc., of Waterloo, Iowa, originally executed October 10, 2016, in an amount not to exceed $9,000.00, in conjunction with the FY 2017 Hammond Avenue Bridge Replacement Over Sink Creek Project, Contract No. 922, 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. 2024-187.

Resolution approving Sourcewell Contract No. 020221-SAM with SamSara Software of San Francisco, California, in the amount of $13,572.50 for the first year, and payments thereafter of $13,432.50 annually for a 36-month term, in conjunction with fleet tracking software for the Public Works Street Department, and authorizing the Mayor to execute said document.

Boesen/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-188.

David Dryer, 3145 W. 4th Street, questioned if this would include all city vehicles.

Randy Bennett, Public Works Division Manager, provided an overview of the item.

Resolution Approving Distribution of Preliminary Official Statement for $5,280,000* General Obligation Capital Loan Notes, Series 2024B; $720,000* Taxable General Obligation Capital Loan Notes, Series 2024C; and $20,000,000* General Obligation Capital Loan Notes, Series 2024D (*Dollar Amounts Subject to Change).

Boesen/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-189.

Resolution accepting a Professional Services Proposal from Advanced Environmental Testing and Abatement, Inc., in the amount of $13,490.00, for asbestos removal in the northeast section of the library, 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. 2024-190.

Resolution approving Supplemental Agreement No. 1 to a Professional Services Agreement originally executed on March 20, 2023, with AECOM Technical Services of Waterloo, Iowa, in an amount not to exceed $21,000.00, in conjunction with conceptual design and visual renderings of proposed improvements at Riverfront Stadium, and authorizing the Mayor to execute said documents.

Nichols/Feuss
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-191.

ORDINANCES

An ordinance amending the payment of fees under the Rental Housing Code.

Feuss/Nichols
to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Code of Ordinances by repealing Subsection 5A(2), Payment of Fees, of Chapter 7, Rental Housing, Title 9, Building Regulations, and amending Subsection 6A(2) of Chapter 7, Rental Housing, Title 9 Building Regulations. 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 said ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor

assigned No. 5755.

OTHER COUNCIL BUSINESS

Hearing and Order Assessing Civil Penalty to the Snack Shack, 4335 Texas Street, Waterloo, Iowa 50702, for sale of tobacco to minor violation-first offense.
Motion to open the hearing.
Motion to close the hearing.
Motion to approve an order assessing civil penalty to the Snack Shack, 4335 Texas Street, Waterloo, Iowa 50702, for sale of tobacco to minor violation-first offense.

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

Martin Petersen, City Attorney, provided background on this motion.

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

Feuss/Nichols
to approve an order assessing a civil penalty to the Snack Shack, 4335 Texas Street, Waterloo, Iowa 50702, for the sale of tobacco to minor violation-first offense. Voice vote-Ayes: Seven. Motion carried.

ADJOURNMENT

Feuss/Simon
that the council adjourn at 6:24 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk