April 15, 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 15, 2024.

Roll Call.

Mayor Pro Tem 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, Dave Boesen, Ward 2 Council Member.

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 April 1, 2024, Regular Council Session and Special Session as proposed or amended.

Nichols/Wilder
that the minutes of April 1, 2024, Regular Session, as proposed, be approved. Voice vote-Ayes: Seven. Motion carried.

PUBLIC COMMENTS

The following individuals commented on various subjects.

Mary Potter, 1416 W. 4th Street and Grout Museum Trustee
John Harrell, Groute Museum
Phil Rausch, 3509 Fitzroy Rd, Hiawatha, and new owners of Meyers Nursery
Rev. Nils Hernandez, Queen of Peace Catholic Church, 320 Mulberry Street
Michael Blackwell, 5125 Millenium Drive, Cedar Falls
Larry Stumme, 1008 Lois Lane
David Dryer, 3145 W. 4th Street
Bob Manning, Cedar Valley Home Builder Association
Aaron Stacey Roberts, 411 Almond Street

Mr. Chiles noted that he will be holding office hours at Sidecar Coffee on Ridgeway at noon at the last Saturday of the month.

Mr. Nichols shared he will hold office hours on April 30th at 5:30 at South Hills Golf Course.

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

CONSENT AGENDA

Nichols/Chiles
that the following items on the consent agenda be received and placed on file, including the payment of bills for April 8th, 2024, in the amount of $2,888,170.61, and April 15, 2024, in the amount of $2,976,751.29. 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. 2024-192.

Resolution setting date of public hearing as May 6, 2024, for an amendment to the FYE 2024 Budget, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-193.

Resolution approving award of hotel/motel tax council discretionary funds to the Waterloo Municipal Band in the amount of $23,000.00.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-194.

Resolution approving the award of hotel/motel tax council discretionary funds to the North End Arts and Music Fest in the amount of $5,000.00.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-195.

Resolution setting date of public hearing as May 6, 2024, to approve the request by the City of Waterloo to rezone approximately 2.17 acres from “M-2” Heavy Industrial District to “C-P” Planned Commercial District, located at 1515 Sycamore Street, to allow for redevelopment of the Rath Administration Building into eighty-seven affordable senior housing units, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-196.

Resolution setting date of public hearing as April 29, 2024, to approve an amendment to the City of Waterloo Zoning Ordinance No. 5079 to update terms and regulations as they apply to the floodplain regulations, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-197.

Resolution setting date of public hearing as May 6, 2024, to approve a request by Cedar Valley Lawn Care for a Site Plan Amendment for a new commercial building in the “C-2” Commercial District and “C-2, C-Z” Conditional Zoning District located south of 4121 Alexandra Drive, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-198.

Resolution approving preliminary plans, specifications, form of contract, etc., setting the date of bid opening as May 2, 2024, and date of public hearing as May 6, 2024, in conjunction with the FY 2024 11th Street Railroad Crossing Repair Project, Contract No. 1107, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-199.

Resolution approving preliminary plans, specifications, form of contract, etc., setting the date of bid opening as May 2, 2024, and date of public hearing as May 6, 2024, in conjunction with the FY 2024 Rainbow Drive Railroad Crossing Repair Project, Contract No. 1108, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-200.

Resolution approving preliminary plans, specifications, form of contract, etc., setting the date of bid opening as May 2, 2024, and date of public hearing as May 6, 2024, in conjunction with the FY 2025 Sidewalk Ramp and Trail Repair Program - Zone 4, Contract No. 1106, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-201.

Resolution setting date of public hearing as May 6, 2024, for the sale and conveyance of city-owned property located at 708 W. 3rd Street, 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. 2024-202.

Resolution setting date of public hearing as May 6, 2024, for the sale and conveyance of city-owned property located at 708 W 3rd Street, in the amount of $500.00, to Tramaun Allen, including approval of a Development Agreement for the construction a shed and fence, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-203.

Resolution setting date of public hearing as May 6, 2024, for the sale and conveyance of city-owned property located south of 3620 Wagner Road, in the amount of $1.00, to 3 Stooges LLC, including approval of a Development Agreement and Minimum Assessment Agreement with a minimum assessed value of $500,000.00 for the construction of two commercial buildings, and instruct the City Clerk to publish notice.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-204.

Resolution approving award of bid to Boulder Contracting of Grundy Center, Iowa, in the amount of $53,650.00, approving the contract, bond, and certificate of insurance, in conjunction with the Waterloo Convention Center Parking Ramp Repairs, 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. 2024-205.

Resolution approving acceptance of improvements of Edison Addition, submitted by Earthworx Civil Solutions, LLC, and performed by Big Hand Pepper, LLC, and file two-year maintenance bond.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-206.

Resolution approving a variance to lift the truck embargo for the 700 - 1200 blocks of Cedar Bend Street and the 2000 - 2900 blocks of Burton Avenue through December 15, 2024, for the FY 2024 Broadway Street Reconstruction Project, Contract No. 1095.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-207.

Resolution temporarily lowering the speed limit on Broadway Street from Donald Street to Airport Boulevard from 55 mph to 35 mph for the FY 2024 Broadway Street Reconstruction Project, Contract No. 1095.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-208.

Motion to approve Final Quantity Summary, Change Order No. 8, with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net increase of $248,825.82, in conjunction with the FY 2019 University Avenue Reconstruction - Phase 2 Project, Contract No. 934, 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 $8,727,069.83, in conjunction with the FY 2019 University Avenue Reconstruction - Phase 2, Contract No. 934, and receive and file a two-year maintenance bond.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-209.

Resolution approving Completion of Project and Recommendation of Acceptance of Work for work performed by Hambly & Sons of Waterloo, Iowa, in the amount of $16,750.00, in conjunction with the CARES Maintenance Terminal Duct Cleaning Project, Project No. 3-19-0094-048.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-210.

Motion to approve Change Order No. 2 with Peters Construction Corporation, of Waterloo, Iowa, for a net increase of $0.00, in conjunction with the Waterloo Convention Center Restroom Renovation Project, and authorizing the Mayor to execute said document.

Motion approving Change Order No. 1 with Peters Construction Corporation, of Waterloo, Iowa, for a net increase of $14,090.05, in conjunction with CARES Maintenance Hangar No. 4 Mold Remediation Project, Project No. 3-19-0094-048, 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 Peters Construction Corporation, of Waterloo, Iowa, in the amount of $113,032.15, in conjunction with the CARES Maintenance Hangar No. 4 Mold Remediation Project, Project No. 3-19-0094-048.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-211.

Motion approving Change Order No. 2 with FM Controls, Inc., of Fort Dodge, Iowa, for a net increase of $2,550.00, in conjunction with CARES HVAC Controls Project, Project No. 3-19-0094-048, 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 FM Controls of Fort Dodge, Iowa in the amount of $141,620.00, in conjunction with the CARES HVAC Controls Project, Project No. AIP 3-19-0094-054.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-212.

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 $164,500.00, in conjunction with the CARES CCTV Project, Project No. 3-19-0094-054.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-213.

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 $46,074.00, in conjunction with the CARES Maintenance Misc. Lighting Project, Project No. 3-19-0094-048-2020.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-214.

Motion to approve Change Order No. 1 with Lodge Construction, Inc., of Clarksville, Iowa, for a net decrease of $77.00, in conjunction with CARES ARFF Station Parking Project, Project No. 3-19-0094-055, 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 Lodge Construction, Inc., of Clarksville, Iowa, in the amount of $165,992.00, in conjunction with the CARES Pave ARFF Parking Area Project, Project No. 3-19-0094-055.

Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-215.

Motion to approve the appointment of **Jeff Wolff** from the Civil Service List to the position of Combination Inspector II in the Building Department, effective April 29, 2024.

Motion to approve the appointment of **Tim Troyer** from the current Civil Service List to the position of Combination Inspector II, in the Building Department, effective April 29, 2024.

Motion to approve the appointment of **Morganne Kayser** to the position of Office Coordinator/Bookkeeper, for the Leisure Services Department, effective April 16, 2024.

Motion to approve appointment of **Olivia Henke** from the current Civil Service List to the position of Engineering Technician in the Engineering Department, effective May 13, 2024, pending pre-employment physical and drug testing.

Motion to approve appointment of **Carson Lee** from the current Civil Service List to the position of Engineering Technician in the Engineering Department, effective May 13, 2024, pending pre-employment physical and drug testing.

Motion approving appointment of **Nancy Higby** to the position of Deputy City Clerk in the City Clerk's Office, effective April 16, 2024.

Communication from the Police Department on the notice of the conclusion of employment of Albert Bovy, Police Officer, effective April 1, 2024, with recommendation of approval of payout of $17,833.44 for unused benefits.

Motion to receive and file Airport Board minutes of February 28, 2024.

Motion to receive and file Leisure Services Commission Board minutes of February 13, 2024.

Katy Susong, Board/Commission: Waterloo Airport Board, Expiration Date: June 30, 2024, [New Partial].

Laura Gleissner, Board/Commission: Cultural and Arts Commission, Expiration Date: April 15, 2027, [New].

Liquor Licenses

a. Jim's Food, 437 Sullivan Ave., Class E Alcohol w/Sunday Sales (Renewal) Exp: 4/14/2025.
b. HyVee Food Store #1, 2834 Ansborough Ave., Class E Alcohol w/Sunday Sales (Renewal) Exp: 3/23/2025.
c. HyVee Food Store #2, 2181 Logan Ave., Class E Alcohol w/Sunday Sales (Renewal) Exp: 3/23/2025.
d. Lucky Wife Wine Slushies, 1022 Alabar Ave., Special Class C Alcohol w/Sunday Sales (New *5-day) Exp: 5/13/2024.
e. Ray's Supermarket, 1975 Franklin St., Class E Alcohol w/Sunday Sales (Renewal) Exp: 3/2/2025.
f. Singlespeed Brewing Co., 325 Commercial St., Class C Alcohol w/Sunday Sales and a 1-day extended Outdoor Service (New) Exp: 8/10/2024.
g. Waterloo Bucks, 850 Park Rd., Special Class C Alcohol w/Outdoor Service and Sunday Sales (New) Exp: 1/1/2025.
h. Elena's Steakhouse, 126 E. Ridgeway, Ste A, Class C Alcohol w/Outdoor Service, Catering and Sunday Sales (New) Exp: 3/31/2025.

Motion approving Application for Fireworks Display:

a. 6th of July Mayor's Show, Park Avenue Bridge (or) 5th Street Bridge on July 6, 2024, beginning at 9:30 p.m.
b. VGM Annual Conference, Lost Island Theme Park on June 11, 2024, beginning at 9:30 p.m.
c. My Waterloo Days, Parking Avenue Parking Ramp on June 8, 2024, beginning at 9:30 p.m.

Exception to Burning Yard Waste Application by Hawkeye Community College to burn prairie grasses on around the main HCC campus located at 1501 E. Orange Rd, between April 8 and May 10, 2024 from 9:00 a.m. to 5:30 p.m.

Bonds.

PUBLIC HEARINGS

Approval of FY 2025 budget for the budget year ending June 30, 2025.

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

Nichols/Chiles
Resolution approving the FY2025 budget including total property tax askings of $53,138,500 and a levy rate of $22.08917 for the budget year ending June 30, 2025. Roll Call vote-Ayes: Five. Nays: Two (Boesen and Simon). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-216.

Mr. Boesen commented that the FY2025 budget is going to be difficult on a lot of our citizens, commercial and industrial businesses.

Mr. Simon shared that he receives a lot of calls from fixed-income individuals concerned about taxes and said we need to find a way to fix this.

Mr. Chiles commented that the city is being pushed to this due to poor legislation.

Boesen/Simon
to amend the budget by using $1.5 million of ARPA funds to reduce the levy rate to $21.43 and a reduction of $1.5 million in tax asking. Roll Call vote-Ayes: Two. Nays: Five (Nichols, Creighton-Smith, Chiles, Wilder and Feuss). Motion failed.

Mr. Boesen stated his reasons that he believes the proposed budget is not sustainable and will not support the budget as proposed.

Ms. Creighton-Smith commented that ARPA funds are to be used to help offset racial and economic inequities and questioned how it would work with this amendment.

Mr. Boesen commented that it is what we've been doing the past three of years.

Bridgett Wood, Finance Director, commented that the ARPA funds that we have been using are out of our lost revenue. The city is able to use up to $10 million of the ARPA funds for any city provided services, based on the rules for lost revenue.

Mr. Simon commented that the ability to use these funds is somewhat encouraging to reduce the tax burden on the citizens of Waterloo.

Mr. Nichols questioned how using $1.5 million dollar use of cash reserves affect our borrowing ability, capacity and rating.

Bridgett Wood explained that ARPA funds are unrecognized revenue and are not sitting in the cash reserve balances that had been presented to Moody's bond rating. If this is how council wishes to proceed, we would need to recognize the revenue.

Mr. Nichols questioned if this would negatively affect any current or ongoing plans these funds might be used for.

Bridgett Wood commented that she is unaware of any current plans, but said the Mayor has discussed using them for housing initiatives.

Ms. Wilder clarified that if we use these funds to offset the budget, than any programs that come up later that have to deal with justice inequity, we wouldn't be able do them.

Bridgett Wood confirmed that there would be less funds available.

Mr. Chiles questioned how much would be available if we did use these funds.

Bridgett Wood explained there is currently $2,000,000 available, which would leave $500,000 available.

Mr. Chiles questioned when the funds expire.

Bridgett Wood stated they must be obligated by December 2024 and spent by December 2026.

Mr. Feuss questioned if we cut this $1.5 million, how does it affect next year and the year after.

Bridgett Wood explained it would put us in the hole $1.5 million because we won't have that available for funding purposes.

Mr. Boesen stated that he cannot support the budget as proposed. He clarified that he supports all of the city department budget needs but he does not support this tax levy.

Mr. Simon commented on the number of people that spoke to the importance of fiscal responsibility in order to be elected to council. We have an opportunity to lower the budget by a little to give some relief to our citizens and have a whole year to buckle down.

<u>2024-2026 Waste Water Treatment Plant and Lagoon Mowing/Spraying Contract.</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 the hearing. Voice vote-Ayes: Seven. Motion carried.

Chiles/Wilder
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. 2024-217.

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

Bid Estimate: $28,500
Adams Outdoor Contracting, Inc. Waterloo, IA, - 5% - (Per Occurrence) Opt. A: Mowing - $897.99 / Weed Control - $2,497.99; Opt B: Mowing - $197.99 / Weed Control - $1,200; Option C: Mowing - $2,827.50.
Wilson Custom Tree, Cresco, IA - 5% - (Per Occurrence) Opt A: Mowing - $1,375 / Weed Control - $2,475; Opt B: Mowing - $340 / Weed Control - $450; Opt. C: Mowing - $1,675.

Chiles/Wilder
Resolution approving award of bid to Adams Outdoor Contracting of Waterloo, Iowa in the amount of Option A Mowing: $14,367.84; Weed Control $4,995.98, Option B Mowing: $2,375,88; Weed Control $2,400.00, Option C: $11,310.00, approving the contract, bonds, and certificate of insurance, in conjunction with the 2024-2026 Waste Water Treatment Plant and Lagoon Mowing/Spraying Contract, 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. 2024-218.

<u>2024-2025 Residential Lots/Miscellaneous Areas Mowing and Lot Maintenance Services Contract for city-owned lots generally maintained by the Planning and Zoning Department.</u>

Boesen/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.

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

Boesen/Nichols
Resolution confirming approval of 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. 2024-219.

Boesen/Nichols
to receive, file, and instruct the City Clerk to read bids and refer to the Planning and Zoning Department for review. Voice vote-Ayes: Seven. Motion carried.

Bid Estimate: A: $18 per lot/occurrence (under 1 acre); B: $75 per hour /occurrence (1 acre or more)
P&J Lawn Care, Waterloo, IA - 5% - A: $11 / B: $25
Cedar Valley Lawn Care, Waterloo, IA - 5% - A: $47.75 / B: $95.27
B&B Lawn Care, Inc. Waterloo, IA - 5% - A: $12.45 / B: $191

Kelley Felchle, City Clerk, commented that after the bids were received and opened, P&J Lawn Care withdrew their bid.

Sale and conveyance of city-owned property located at 1515 Sycamore Street in the amount of $1.00, including a Development Agreement with Gearheart Moore Holdings, LLC.

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.

Larry Stumme, 1008 Lois Lane, posed several questions regarding the sale of the property.

Noel Anderson, Community Planning and Development Director, responded to Mr. Stumme's questions.

Forest Dillavou, 1725 Huntington Road, expressed his concerns and questioned how long it would take to see this project actually happen.

Charles Moore, Gearhart Moore Holdings, LLC, provided background on their firm, past projects and an overview of this project, its funding and timeline.

David Dryer, 3145 W. 4th Street, questioned if the company has a timeline on their performance.

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

Nichols/Wilder
Resolution approving the sale and conveyance of city-owned property located at 1515 Sycamore Street to Gearheart Moore Holdings, 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. 2024-220.

Mr. Boesen questioned how many incentives does the developer need to move forward.

Charles Moore commented on the incentives still needed.

Mr. Nichols questioned the timeline on the federal funds.

Charles Moore explained that they have never been denied the federal credits, but it becomes more of when the funds would be available, but he is not overly concerned.

Ms. Creighton-Smith questioned if council's approval is needed before he can move forward.

Charles Moore confirmed.

Ms. Wilder questioned the affordability of the apartments once they're move in ready.

Charles Moore shared that based on the current area medium income, the maximum rent they could charge for a studio would be $758, $813 for a 1-bedroom and $976 for a 2-bedroom. He explained that the market will actually determine the actual amount of rent charged.

Mr. Chiles clarified that the dollars for this project are coming out of TIF.

Nichols/Resolution approving a Development and Minimum Assessment Agreement with Gearheart Moore Holdings, LLC, with grant payment of each six-month property tax installment, less $5,000.00 for each installment for a period of fifteen years, infill housing incentive of $5,000.00 per unit, and cooperation from the City for the company securing a $1,500,000.00 state Brownfield/Grayfield Tax Credit, for the renovation of the former Rath Administration Building, with a minimum assessed value of $1,335,410.00, 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. 2024-221.

<u>Sale and conveyance of approximately 93.7 acres of city-owned property located east of 4342 Ansborough Avenue at the southeast corner of Ansborough Avenue and Highway 20 interchange, in the amount of $1.00, including a Development Agreement with PWM Companies, LLC, and rescinding Resolution 2023-658 in its entirety.</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.

Mike Macri, Representative of PWM Companies, LLC, introduced himself and made himself available for questions.

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

Wilder/Nichols
Resolution approving the sale and conveyance of city-owned property located east of 4342 Ansborough Avenue at the southeast corner of Ansborough Avenue and Highway 20 to PWM Companies, LLC, in the amount of $1.00, and authorizing the Mayor and City Clerk to execute said documents. Roll Call vote-Ayes: Five. Nays: Two (Boesen and Simon). Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-222.

Mr. Boesen requested clarification on certain language in the Development Agreement.

Mike Macri provided clarification.

Wilder/Nichols
Resolution approving a Development Agreement with PWM Companies, LLC, for the development of approximately 93.7 acres of city-owned property, rescind Resolution 2023-658 in its entirety, and authorizing the Mayor and City Clerk to execute said document. Roll Call vote-Ayes: Five. Nays: Two (Boesen and Simon). Motion carried. Resolution adopted and upon

approval by Mayor assigned No. 2024-223.

RESOLUTIONS

Resolution approving an agreement with Recollect Software of Portland, Oregon, in the amount of $36,446.60 for the first year and $31,446.60 for subsequent years two and three of a thirty-six-month contract, for the Sanitation Department, 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. 2024-224.

Mr. Boesen requested an overview of the item.

Shelia Steffen, Public Works Coordinator, shared that the software would allow residents to make changes to their sanitation needs.

Mr. Boesen questioned if this is the software that would reach out to people when the landfill is closed or when routes have changed, etc.

Shelia Steffen confirmed.

Mr. Boesen commented on the sanitation pick up calendar and questioned how we would address the people that do not have the electronic means to access the app.

Sheila Steffen shared that the Director of Sanitation was looking at not mailing those, but rather allowing people to call in to request information and we could mail items out at that point. She added that there will be press releases and information printed in the Courier to communicate with those individuals.

Resolution establishing a Residential Handicap Parking Policy.

Nichols/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-225.

Resolution approving an Iowa Department of Transportation Federal-Aid Agreement for Transportation Alternatives Program (TAP) Project funds, in conjunction with the FY 2024 La Porte Road Improvements, Phase I, and authorizing the Mayor and City Clerk to execute said document.

Nichols/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-226.

Resolution approving an agreement with 3-GIS LLC, for Fiber Optic Network Asset Management Software, in the amount of $111,850.00 over three years, in conjunction with the FY 2024 Fiber Optic Network Asset Management RFP, Contract No. 1098, and authorizing the Mayor and Telecommunications Director to execute said document.

BoesenI/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-227.

Resolution approving a Permanent and Temporary Easement Agreement for $1,785.87 with Dustin L. Greiman and Amber M. Greiman, related to the construction of a sanitary sewer along East Orange Road, located northeast of 6101 Kimball Avenue between Kimball Avenue and Highway 21, 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. 2024-228.

Resolution accepting a Public Sidewalk Easement from the Waterloo Community School District to allow for the placement of a public sidewalk along Western Avenue on school-owned property, located at 1115 West 5th Street (Irving Elementary School).

Boesen/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-229.

Resolution to approve an Amendment to the Development Agreement with LG Companies, LLC, originally executed on April 21, 2021, in conjunction with the development of property located near 1012 Fletcher Avenue, to allow LG Companies, LLC to construct drainage improvements across and beneath adjacent city property, approve reimbursement for one-half of the cost, $1,600.00, 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. 2024-230.

Mr. Boesen questioned why the city is paying half of this to clean up the drainage on the development project.

Noel Anderson, Community Planning and Development Director, explained that the developer has done everything they were required to do by code, but for some reason the pumps continue to run and pump out a lot of water. This is a compromise to help improve the green space be improved.

Resolution for a phased Development and Minimum Assessment Agreement with Short Enterprises, LLC, and Daniel M. Williams, to construct two forty-foot by one hundred eighty-foot mini-storage buildings, with a minimum assessed value of $525,570.00, and property tax rebates of fifty percent for five years, located west of 1250 West Airline Highway, in the East Waterloo Unified TIF District, and authorizing the Mayor and City Clerk to execute said documents.

Chiles/Wilder
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-231.

Mr. Boesen requested clarification of language regarding rebate payments.

Noel Anderson explained that this is wording that the Ahlers Law firm is recommending that all cities include. It really is a matter of how debt is reported and by putting this in there, it shows it for one year instead of total accumulation over all the years.

Resolution approving a Professional Services Agreement with HDR Engineering, Inc., of Omaha, Nebraska, in the amount of $7,788.00, in conjunction with the Roundabout Traffic Analysis for Hammond Avenue and E. Ridgeway Avenue, and authorizing the Mayor and City Clerk to execute said document.

Wilder/Nichols
Roll Call vote-Ayes: Seven. Motion carried. Resolution adopted and upon approval by Mayor assigned No. 2024-232.

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 to execute said document.

Wilder/Nichols
Roll Call vote-Ayes: Two. Nays: Five. (Boesen, Creighton-Smith, Chiles, Simon, Wilder). Motion failed. Mayor assigned No. 2024-233.

Mr. Boesen commented that the cost of the inspector is too high and questioned why the Director of Waterloo Fiber is not present to answer questions.

Jamie Knutson, City Engineer, commented that it is his understanding that this was in the original Magellan agreement.

Mr. Boesen questioned if we are paying the first inspector the same rate, and what happens if this is not approved.

Jamie Knutson commented that he assumes that the contractor would continue to work with the crew they have, but would not have inspectors watching and ensuring the all the work meets specs.

ORDINANCES

An ordinance amending the City of Waterloo Traffic Code by adding Subsection (80b) Nancy Road to Section 553, No Parking Here to Corner.

Nichols/Chiles
to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Traffic Code, by adding Subsection (80b) Nancy Road, No parking on the East side of the 800 block in a southerly direction from Rachael Street, to section 553, No Parking Here to Corner. Roll Call vote-Ayes: Seven. Motion carried.

Mr. Boesen commented that in the past he had requested that a GIS map be included in the packet that outlines the area so that council can understand the verbiage when this type of ordinance is to be considered.

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

Nichols/Chiles
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. 5756.

<u>An ordinance amending the City of Waterloo Traffic Code section 552, No Parking Between Signs, Rachael Street.</u>

Chiles/Wilder
to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Traffic Code, by deleting subsection (16) Rachael Street to section 552, No Parking Between Signs, in its entirety, and inserting in lieu thereof a new subsection (16) Rachael Street to section 552, No Parking Between Signs as follows: Subsection (16) Rachael Street, North side in the 300 and 400 blocks; and North side in the 400 and 500 block. Roll Call vote-Ayes: Seven. Motion carried.

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

Chiles/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. 5757.

<u>An ordinance amending the City of Waterloo Code of Ordinances by repealing Section 7, Local Transient Guest Tax Fund, Article A, Hotel and Motel Tax, Chapter 8, Municipal Finances, Title 1, Administration, is hereby repealed and a new Section 7, Local Transient Guest Tax Fund, Article A, Hotel and Motel Tax, Chapter 8, Municipal Finances, Title 1, Administration, and enacting in lieu thereof a new Section 7.</u>

Nichols/Wilder
to receive, file, consider, and pass for the first time an ordinance amending the City of Waterloo Code of Ordinances by repealing Section 7, Local Transient Guest Tax Fund, Article A, Hotel and Motel Tax, Chapter 8, Municipal Finances, Title 1, Administration, is hereby repealed and a new Section 7, Local Transient Guest Tax Fund, Article A, Hotel and Motel Tax, Chapter 8, Municipal Finances, Title 1, Administration, and enacting in lieu thereof a new Section 7. Roll Call vote-Ayes: Seven. Motion carried.

Tavis Hall, Executive Director, Experience Waterloo, commented that Noel Anderson sent an email last night recommending an amendment to that language, and he wanted to make sure it was noted. He explained that they recognize the value that this project has meant to tourism, so being team players, they wanted to make sure that they stepped up to the plate when necessary. The percentage is incredibly important as it incentives growth for the entire fund.

Feuss/Chiles
to amend the language in 1-8A-7 Local Trancient Guest Tax Fund D2 to read, "the remaining

amount collected shall be allocated as follows" and D3 will be stricken in its entirety. Voice vote-Ayes: Seven. Motion carried.

Mr. Boesen shared his support for the ordinance as amended and expressed his disappointment that this came to council so late.

Ms. Wilder requested clarification if this would be in place until the repayment is complete.

Noel Anderson confirmed and stated that once the repayment is finished, we would change the ordinance.

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 said ordinance. Roll Call vote-Ayes: Seven. Motion carried. Ordinance adopted and upon approval by Mayor assigned No. 5758

<u>ADJOURNMENT</u>

Nichols/Chiles
that the council adjourn at 7:34 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk