

September 20, 2021

The Council of the City of Waterloo, Iowa, met in Regular Session at Harold E. Getty Council Chambers, Waterloo, Iowa, at 5:30 p.m., on Monday, September 20, 2021. Mayor Quentin Hart in the Chair. Roll Call: Boesen, Amos, Morrissey, Klein, Feuss, Grieder and Juon.

Prayer or Moment of Silence.

Pledge of Allegiance: Margaret Klein, Ward 1 Council Member

160447 - Juon/Grieder

that the Agenda, as amended, by adding Item 1.B.2.i; Motion approving a Special Class C Liquor License with Outdoor Service, Sunday Sales, and extending the outdoor service area from 9/24/2021 to 9/26/2021, for Anton's Garden located at 518 Sycamore Street, expiring on April 30, 2022, in conjunction with 2021 Oktoberfest, and Item 1.A.8; Resolution approving a request by Dawn Klingfuss for a variance to the Noise Ordinance on Friday, October 1, 2021, from 4:00 p.m. – 7:00 p.m., in conjunction with the Stop the Mandates Protest event to be held at Lincoln Park, including the use of bull horns, for the Regular Session on Monday, September 20, 2021, at 5:30 p.m., be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

160448 - Juon/Grieder

that the Minutes, as proposed, for the Regular Session on Tuesday, September 7, 2021, at 5:30 p.m., and the Special Session on Friday, September 10, 2021, be accepted and approved. Voice vote-Ayes: Seven. Motion carried.

Proclamation declaring September 17-23, 2021 as Constitution Week.

Proclamation declaring September 20-26, 2021 as Museums for All Week.

PUBLIC COMMENTS

Sheila Beal, 315 Gayle Street, commented that she attended the last council meeting to talk about the approach of her driveway. She stated that the contractors that came to her home did a poor job of leveling out the portion of her yard. Mayor Hart stated that the City Engineer would go out to review the contractor's work.

Sharon Howard, 1237 Maxine Avenue, commented that she called Mr. Wilberding with the Water Works who came out on three different occasions and commented on items that needed to be fixed. Mayor Hart asked the City Engineer to follow up with Mrs. Howard.

Dwayne Eilers, 1205 ½ Bishop Street, commented that the city is running out every small business in Waterloo. He commented that Code Enforcement has been targeting him about violations but ignoring other violations. He stated that the community is being rundown by too many taxes, water fees, and sewer fees while the Mayor gets a raise and so that he can hire someone else to do his job for him. He stated that all his properties are up for sale and that he is done with Waterloo.

Charles Daniel, 1461 Audubon, commented that people should search their hearts. He stated that America has been challenged over race and injustices following the death of George Floyd. Waterloo is in the news internationally about racism and it leaves a stain on the walls of our community and our nation. In order for us to deal with this, we need to have hard conversations and we need to build bridges and not walls.

Rev. Franz Whitfield, 823 Adams St, Mt. Caramel Missionary Baptist Church, commented that their church is celebrating 100 years in existence. He stated that he is not here on behalf of the Mayor but on his own free will. He stated that recent articles and smear campaigns have risen from the community and he can no longer stay silent. He has seen billboards, letters to the editor, and news articles and believes that anyone who can tear the Mayor down like the way they have do not have a pure heart. He stated that he believes the Mayor is a real leader and that the newspapers and billboards are nonsense. He stated that the community is going to fight back with their votes.

Helen Seenster, 4040 Homer Street, commented that she is a native to Waterloo and a business owner, but that she has been saddened to see leaders dividing the community. Change is hard to accept but when people get stuck in the past so much so that they cannot move forward it hurts the community. When Chief Fitzgerald came for interviews she sat on the panel and believed that he

was qualified for the job at the time and still feels that same way. She explained people will not come here when they see the divisiveness. When people say the community doesn't have racism that is a joke.

David Dryer, 3145 W. 4th Street, questioned if the police uniforms were not transported by Mr. Morrissey, Mr. Amos, and Mrs. Juon. He questioned if a waiver was signed and whether or not they completed the task. He asked that item 1.A.6 be removed. He further stated that this is a council meeting and not a time to campaign and the politics need to stay out of the meeting.

Mr. Morrissey and Mrs. Juon both made comments that the uniforms have been transported by the volunteers.

Charlie Donohue, 1305 Prospect Blvd., commented that he wanted to address the recent resignations made by members of the Waterloo Police Department. He shared that he has served with the Waterloo Police Department for over fifteen years and explained that he does not believe that the recent resignations we are seeing are part of the national trend, officers taking higher paying jobs, or any of the other reasons given. If this were a national trend, we would be seeing this in our surrounding cities. He is concerned that we are losing years of experience and there may be more to come.

Todd Obadal, 124 Amity Drive, thanked everyone for speaking tonight and said that having hard difficult conversations is a very healthy thing for a community, and to have difficult conversations requires listening to an opinion different from your own. We do not want to drive a community apart simply based on a point of view or a political preference. He stated that it is inappropriate for the podium to be used for political purposes and that it should be used for city business. He commented on racism and stated that his own motivation is for the betterment of our community and for us coming together, even when we disagree. He commented on an exchange that took place two weeks ago regarding the differences between the griffin and the Scottish lion. He stated that some of those who supported the removal of the griffin were part of the Demoralize, Defund, Disarm and Disband movement, and that he stands against that.

LaTonya Graves, 607 E. Donald Street, commented that she is the President of the Black Hawk County NAACP and stated that they fight racism and injustice in the community. She explained that she was on the committee that was formed to review different designs and she takes offense to those who have said that the committee was dysfunctional. The NAACP is not against the police department or the sheriff's department. The NAACP is about unifying the community and that is what we need to do because the young people are looking at us, and to us for answers.

Sophia Mays, commented that she has lived in Waterloo for a very long time and a lot of people are not happy with what is going on in Waterloo. She stated that she does not agree with a lot of things that Mayor Hart does. There is a lot of things going on in the news and a lot of things that are not in the news that go on that people have no idea about. She stated that the leadership is taking the city in the wrong direction. She stated that she has talked to people of many different races and there are a lot of things that need to be addressed aside from the griffin symbol. A lot of people are not in agreement with the leadership and that it is time for Mayor Hart to step down.

Mrs. Juon shared that the city has received very positive local, state and national recognition. Our Mayor was recently been selected for the East High School Hall of Fame, he just finished his year as President of the Iowa League of Cities, and has been selected by the Impact Network for a Trailblazer award.

Mr. Boesen requested a time table of when the University Avenue project started and when it will be wrapped up because it seems that all three phases are under construction at the same time.

Jamie Knutson, City Engineer, explained that he does not have the start dates immediately available, but could provide that tomorrow via email. He provided an overview of the phases and stated that everything from Fletcher to Ansborough should be wrapped up by October and final acceptance by council should be expected in the next couple of months.

Mr. Boesen commented that last week he asked the CFO for figures on where the city is at with ATE revenue for the year. He shared that the projected shortfall for the year is \$341,000 and questioned how the Axon bill will be paid.

Chief Fitzgerald commented that he has not had much of a chance to review the figures yet as he received them at 4:11 p.m. He noted that though the projection are for a fiscal year, he believes the goals can still be met.

Mr. Boesen questioned what the plan would be if we do not meet the projection.

Chief Fitzgerald explained that he and the Chief Financial Officer would need to talk before he can answer that.

Mr. Boesen commented that it eventually falls on the shoulders of the council if there is a shortfall and that is what worries him.

Chief Fitzgerald commented that he is not planning to fail.

Mr. Boesen asked for clarification of the Operational Guidelines on Uniforms regarding inappropriate clothing which states, 'at no time while representing the Waterloo Police Department, on or off duty, will an employee wear clothing displaying offensives or expletives', and requested the definition of offensives.

Chief Fitzgerald commented that there are standards with regard to objectionable material that many police departments also have, and can be enforced.

Mr. Boesen questioned if the Griffin would be considered offensive.

Mayor Hart commented that this matter will be taken into consideration and discussed internally.

Mr. Boesen commented that he has been inundated with calls, texts and emails since the AP article came out and that he is truly disappointed with the article. He said he believes that there is a degree of racism in this community, as there is nationwide. But does not believe that questioning management and challenging policies automatically makes anyone racist, and in saying so opens us up to lawsuits. He said the article has been broadcasted nationwide and he is extremely disappointed that this city was shed in such a negative light.

160449 - Juon/Grieder

that the above oral comments be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

CONSENT AGENDA

160450 - Juon/Grieder

that the following items on the consent agenda be received, placed on file and approved:

a. Resolutions to approve the following:

1. Resolution approving Finance Committee Invoice Summary Report, dated September 13, 2021, in the amount of \$3,828,757.49 and September 20, 2021, in the amount \$2,543,842.13, a copy of which is on file in the City Clerk's office, together with recommendation of approval of the Finance Committee.

Resolution adopted and upon approval by Mayor assigned No. 2021-614.

- ~~2. Resolution approving a recurring Master Equity Lease Agreement for FY 2023, with Enterprise Leasing of Waterloo, Iowa, to lease twenty three (23) vehicles for police administrative and investigative staff, and authorizing the Mayor and City Clerk to execute said document.~~

~~Resolution adopted and upon approval by Mayor assigned No. 2021-~~

3. Resolution approving the request of Main Street Waterloo and the Waterloo Community Schools for a variance to the Noise Ordinance on September 28, 2021 from 9:30 a.m. to

Noon, in conjunction with the Mayor's Fun Run event to be held at the Riverloop Expo Grounds with the use of a PA system.

Resolution adopted and upon approval by Mayor assigned No. 2021-615.

- 4. Resolution approving request of Ronald Davis for a waiver for a concrete driveway, located at 903 Kingsley Avenue (approach on Drexel Avenue), and authorize the construction of a concrete driveway and placing a driveway or sidewalk on city right-of-way on an unimproved street.

Resolution adopted and upon approval by Mayor assigned No. 2021-616.

- 5. Resolution approving request of Brad Taylor for a waiver for a concrete driveway, located at 1355 Campbell Avenue, with the elimination of the sidewalk section due to inability to meet grade requirements.

Resolution adopted and upon approval by Mayor assigned No. 2021-617.

- ~~6. Resolution setting date of public hearing as October 18, 2021 on the proposed issuance of not to exceed \$14,500,000 General Obligation Urban Renewal Bonds for an Essential Corporate Purpose (ECP UR 1), and instruct the City Clerk to publish notice.~~

~~Resolution adopted and upon approval by Mayor assigned No. 2021-~~

- 7. Resolution approving renewal of Crime and Fidelity insurance, effective September 15, 2021, in the amount of \$3,741.00.

Resolution adopted and upon approval by Mayor assigned No. 2021-618.

- 8. Resolution approving a request by Dawn Klingfuss for a variance to the Noise Ordinance on Friday, October 1, 2021, from 4:00 p.m. – 7:00 p.m., in conjunction with the Stop the Mandates Protest event to be held at Lincoln Park, including the use of bull horns.

Resolution adopted and upon approval by Mayor assigned No. 2021-619.

b. Motion to approve the following:

1.	Travel Requests				
	Name & Title of Personnel	Class/Meeting	Destination	Date(s)	Amount not to Exceed
a.	Rusty Zey, Randy Shepard, Troy Deeds, Chris Preston; Airport Ops/ARFF Personnel	Live Aircraft Fire - Hot Burn Training	Eastern Iowa Airport, Cedar Rapids, IA	September 9-10, 2021	\$1,800.00
b.	Rusty Zey, Randy Shepard, Troy Deeds, Chris Preston; Airport Ops/ARFF Personnel	Annual Wildlife Training	Waterloo Regional Airport	TBD in October 2021	\$500.00
c.	Medical Officers: Travis Ihnen, Ben Smith, and Greg Stewart and Paramedics: Kyle Fuller, Neal Caughron, Dwight Paul and Ben Lowe	Critical Care Paramedic Provider Hybrid Course	Hawkeye Community College / Online	September 13, 2021 - December 13, 2021	\$2,275.00
d.	*Amended* Ben Smith, Medical Officer/Jason	Emergency Medical Services World Expo (Amended Request)	Atlanta, GA	October 4-8, 2021	\$3,270.00

	Hernandez, Medical Supervisor				
e.	Chief Fitzgerald	Operating While Intoxicated/Standardized Field Sobriety Testing and Iowa Law Enforcement Emergency Care Provider Certification	Johnston, IA	October 6-8, 2021	\$1,256.00
f.	Chief Fitzgerald and Officer Sager	Testing Through Examination (ILEA)	Waterloo, IA	October 1, 2021	\$3,150.00

2.

Approved Beer, Liquor, and Wine Applications					
	Name & Address of Business	Class	New or Renewal	Expiration Date	Includes Sunday
a.	Kwik Star #724, 1105 Cedar Bend Drive	B Native Wine / C Beer	Renewal	7/21/2022	x
b.	Locke at Tower Park, 4140 Kimball Avenue	C Liquor w/Outdoor Service	New	9/30/2022	x
c.	Longhorn Steakhouse #5374, 1425 E. San Marnan Drive	C Liquor	Renewal	8/31/2022	x
d.	Narey's 19th Hole, 2073 Logan Avenue	C Liquor	Renewal	8/22/2022	
e.	Rudy's Tacos-Beer Hall-Lava Lounge, 2401 Falls Avenue	C Liquor w/Outdoor Service	Renewal	9/27/2022	
f.	Three Amigos Family Restaurant, 2820 Falls Avenue	C Liquor	Renewal	8/24/2022	x
g.	Wal-Mart Supercenter #1496, 1334 Flammang Drive	B Wine / C Beer / E Liquor	Renewal	9/30/2022	x
h.	WCA Building and Amphitheatre, 225 Commercial Street	Special C Liquor w/Outdoor Service	Renewal	6/21/2022	x

3. Mayor Hart’s recommendation of the following appointments:

Appointee	Board/Commission	Expiration Date	New or Re-Appointment
Samir Sarkic	Electrical Examiners & Appeals Board	September 24, 2024	Re-Appointment
Mark Myers	Electrical Examiners & Appeals Board	September 24, 2024	Re-Appointment
Patrisha Serfling	Planning, Programming & Zoning Commission	September 24, 2024	Re-Appointment
Steve Trost	Planning, Programming & Zoning Commission	September 4, 2024	Re-Appointment

4. Recommendation of appointment of Ben Wagner to the position of GIS Coordinator in the Technology Services Department effective October 4, 2021.
5. Recommendation of appointment of Justin Harrold, from the current Civil Service List, to the position of Equipment Operator I in the Street Department, effective October 5, 2021, pending completion of physical and drug testing.
6. Motion approving Change Order No. 17 with Cardinal Construction, Inc., of Waterloo, Iowa, for a net increase of \$4,833, in conjunction with the Five Sullivan Brothers Convention Center Addition and Renovation Project, and authorizing the Mayor to execute said document.

- ~~7. Motion approving Change Order No. 2 with Cardinal Construction Inc., of Waterloo, Iowa, for a net increase of \$5,024, in conjunction with the Five Sullivan Brothers Convention Center 2nd Floor Renovation Project, and authorizing the Mayor to execute said document.~~
8. Motion approving Change Order No. 1 with Peterson Contractors, Inc., of Reinbeck, Iowa, for a net increase of \$2,788.88, in conjunction with the FY 2021 Shaulis Road Trail Extension - Phase II (TAP-U-8155(766)—8I-07), Contract No. 1012, and authorizing the Mayor and City Clerk to execute said document.
9. Motion to approve Solicitation Registration Application by David Grimm on behalf of Disabled American Veterans Chapter 11, to raise funds for the Iowa Veteran's Home, purchase food cards for Christmas, publications for distribution and to support Chapter operations.
- ~~10. Exception to Burning Yard Waste Application submitted by UAW 838 United Auto Workers, to burn only clean hard wood using 55 gallon steel drum burn barrels at locations shown in the attachment, from October 1 through the winter of 2021.~~
11. Bonds.

Roll call vote-Ayes: Seven. Motion carried.

160451 - Boesen/Grieder

1.A.2 Resolution approving a recurring Master Equity Lease Agreement for FY 2023, with Enterprise Leasing of Waterloo, Iowa, to lease twenty-three (23) vehicles for police administrative and investigative staff, and authorizing the Mayor and City Clerk to execute said document. Roll call vote-Ayes: Seven. Motion carried.

Mr. Boesen questioned the reason for requesting approval to extend this agreement into FY23 when we have not even determined if we will break-even under the current agreement, or what it will cost us.

Chief Fitzgerald provided an update of the status of the current agreement and stated that he anticipates a higher return on value at this time.

Resolution adopted and upon approval by Mayor assigned No. 2021-620.

160452 - Feuss/Grieder

1.A.6 Resolution setting date of public hearing as October 18, 2021 on the proposed issuance of not to exceed \$14,500,000 General Obligation Urban Renewal Bonds for an Essential Corporate Purpose (ECP-UR-1), and instruct the City Clerk to publish notice. Roll call vote-Ayes: Seven. Motion carried.

David Dryer, 3145 W. 4th Street, requested an overview on how the money will be spent.

Michelle Weidner, Chief Financial Officer, provided an overview of the agenda item. She explained this action is to be used as a grant for the developer building the theme park.

Resolution adopted and upon approval by Mayor assigned No. 2021-621.

160453 - Boesen/Feuss

7. Motion approving Change Order No. 2 with Cardinal Construction Inc., of Waterloo, Iowa, for a net increase of \$5,024, in conjunction with the Five Sullivan Brothers Convention Center 2nd Floor Renovation Project, and authorizing the Mayor to execute said document. Roll call vote-Ayes: Seven. Motion carried.

Mr. Boesen questioned why partition walls were not included in the initial bid.

Noel Anderson, Community Planning and Development Director, explained that it was included in the bid, but once they started to tear back some of the existing building, they were unable to get a

curtain system that would match up with the steel framework, so it was necessary to modify the existing design.

160454 - Boesen/Amos

10. Exception to Burning Yard Waste Application submitted by UAW 838 United Auto Workers, to burn only clean hard wood using 55-gallon steel drum burn barrels at locations shown in the attachment, from October 1 through the winter of 2021. Roll call vote-Ayes: Seven. Motion carried.

Mr. Boesen requested an overview of the item.

Pat Treloar, Fire Chief, commented that UAW 838 reached out on the legality of placing burn barrels, in anticipation of a strike. The Chief commented that through this permit process along with additional restrictions put in place by the fire department, he is comfortable with the request.

PUBLIC HEARINGS

160455 - Morrissey/Grieder

that proof of publication of notice of public hearing on a request by Albert Meeks Sr. to vacate 59 linear feet of public sidewalk, at 1139 Logan Avenue, located in the “R-2” One and Two Family Residence District, as published in the Waterloo Courier on September 10, 2021, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral comments and there were none.

160456 - Morrissey/Grieder

that the hearing be closed and recommendation of approval of the Planning, Programming and Zoning Commission, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

160457 - Morrissey/Grieder

that “an ordinance approving a request by Albert Meeks Sr. to vacate 59 linear feet of public sidewalk at 1139 Logan Avenue, located in the “R-2” One and Two Family Residence District and authorizing the mayor and city clerk to execute said documents”, be received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Seven. Motion carried.

160458 - Morrissey/Grieder

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Roll call vote-Ayes: Seven. Motion carried.

160459 - Morrissey/Grieder

that “an ordinance approving a request by Albert Meeks Sr. to vacate 59 linear feet of public sidewalk at 1139 Logan Avenue, located in the “R-2” One and Two Family Residence District and authorizing the mayor and city clerk to execute said documents”, be considered and passed for the second and third times and adopted. Roll call vote-Ayes: Seven. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 5615.

160460 - Amos/Grieder

that proof of publication of notice of public hearing on a request by City of Waterloo to vacate, sell and convey 0.48 acres of City owned right-of-way at south of 3338 W Airline Highway, in the amount of \$12,005.84, to the Plumb Supply Company, as published in the Waterloo Courier on September 10, 2021, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral comments and there were none.

160461 - Amos/Grieder

that the hearing be closed and recommendation of approval of the Planning, Programming and Zoning Commission, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

160462 - Amos/Grieder

that “an ordinance vacating 0.48 acres of City owned right-of-way at South of 3338 W Airline Highway for \$12,005.84, plus costs to Plumb Supply Company”, be received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Seven. Motion carried.

160463 - Amos/Grieder

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Roll call vote-Ayes: Seven. Motion carried.

160464 - Amos/Grieder

that “an ordinance vacating 0.48 acres of City owned right-of-way at South of 3338 W Airline Highway for \$12,005.84, plus costs to Plumb Supply Company”, be considered and passed for the second and third times and adopted. Roll call vote-Ayes: Seven. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 5616.

160465 - Amos/Grieder

that “Resolution approving the sale and conveyance of 0.48 acres of City owned right-of-way, in the amount of \$12,005.84, to Plumb Supply Company, and authorizing the Mayor to execute said documents”, be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-622.

Mr. Morrissey commented that the Five Sullivan Brothers Convention Center Plaza Renovation Project Hearing was cancelled.

160466 - Morrissey/Amos

that proof of publication of notice of public hearing on Adoption of the Schoitz Urban Renewal and Redevelopment Plan, as published in the Waterloo Courier on September 7, 2021, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral comments.

David Dryer, 3145 W. 4th Street, questioned if the city owned this property and why the city did not buy the GMAC building. He questioned if this property is in an existing TIF district and stated that the city cannot afford to continue purchasing properties this way and survive.

Noel Anderson, Community Planning and Development Director, explained that this is the next step in creating a TIF district and stated that the city is not purchasing the site, nor did the city purchase the former GMAC site or Crossroads. He then provided an overview of the item.

160467 - Morrissey/Amos

that the hearing be closed and oral comments, and recommendation of approval of the Planning, Programming and Zoning Commission, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

160468 - Morrissey/Amos

that “Resolution determining an area of the City to be an economic development area, determining that the development or redevelopment of said area is necessary in the interest of the public health, safety or welfare, designating said area as appropriate for an urban renewal project, and approving the plan”, be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-623.

160469 - Morrissey/Amos

that “an ordinance providing that general property taxes levied and collected each year on all property located with the newly described Schoitz Urban Renewal and Redevelopment Plan Area, in the City of Waterloo, County of Black Hawk, State of Iowa, by and for the benefit of the State of Iowa, City of Waterloo, County of Black Hawk, Waterloo Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies, advanced to and indebtedness, including bonds issued or to be issued, incurred by said City in connection with said Urban Renewal Project”, be received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Seven. Motion carried.

160470 - Morrissey/Amos

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Roll call vote-Ayes: Seven. Motion carried.

160471 - Morrissey/Amos

that “an ordinance providing that general property taxes levied and collected each year on all property located with the newly described Schoitz Urban Renewal and Redevelopment Plan Area, in the City of Waterloo, County of Black Hawk, State of Iowa, by and for the benefit of the State of Iowa, City of Waterloo, County of Black Hawk, Waterloo Community School District, and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies, advanced to and indebtedness, including bonds issued or to be issued, incurred by said City in connection with said Urban Renewal Project”, be considered and passed for the second and third times and adopted. Roll call vote-Ayes: Seven. Motion carried.

Ordinance adopted and upon approval by Mayor assigned No. 5617.

160472 - Morrissey/Amos

that proof of publication of notice of public hearing on Request by City of Waterloo for sale and conveyance of city owned property, identified as parcel No. 8913-26-459-020 (formerly 811 Williston), to David S. Grimm and Dalen A. Grimm, in the amount of \$1.00, including a Development Agreement, for the construction of a 400 square foot detached garage, as published in the Waterloo Courier on September 10, 2021, be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

This being the time and place of public hearing, the Mayor called for written and oral comments.

Dwayne Eilers, 1205 ½ Bishop Street, questioned why the city is selling by \$1.00 rather than per square foot.

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

Dwayne Eilers questioned why this is not done all the way down the line with everything.

Noel Anderson provided an explanation of the process.

Dwayne Eilers questioned if the property adjoins their current property.

Noel Anderson confirmed.

160473 - Morrissey/Amos

that the hearing be closed and oral comments be received and placed on file. Voice vote-Ayes: Seven. Motion carried.

160474 - Morrissey/Amos

that “Resolution authorizing the sale and conveyance of a portion of City owned property to David S. Grimm and Dalen A. Grimm in the amount of \$1.00, for property that was formerly 811 Williston Avenue, and authorizing the Mayor and City Clerk to execute said document”, be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-624.

160475 - Morrissey/Amos

that “Resolution approving a development agreement with David S. Grimm and Dalen A. Grimm for the construction of a 400 square foot detached garage, and authorizing the Mayor and City Clerk to execute said document”, be adopted. Roll-call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-625.

RESOLUTIONS

160476 - Klein/Feuss

that “Resolution approving the FY 2022 Air Service Development Program Grant Agreement with the Iowa Department of Transportation, in the amount of \$48,000 or 80-Percent of an 80/20 funding allocation, with the City share of approximately \$12,000, for marketing and advertising of the Waterloo Regional Airport and American Airlines, and authorizing the Mayor and Airport Director to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-626.

160477 - Klein/Feuss

that “Resolution approving Amendment No. 1 to the award of bid with Restoration Services, Inc., of Waterloo, Iowa, originally approved by council April 19, 2021, for a net increase in the amount of \$20,500, in conjunction with the Waterloo Public Library Exterior Facade Repair”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Mr. Morrissey requested an overview of the item.

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

Resolution adopted and upon approval by Mayor assigned No. 2021-627.

160478 - Klein/Feuss

that “Resolution approving a supplement to the Professional Services Agreement with Terracon Consultants, Inc., of Cedar Falls, Iowa, originally executed February 1, 2021, in an amount not to exceed \$1,201.53, in conjunction with the FY 2020 Courtland, Jefferson, and Mulberry Streets Reconstruction Program, Contract No. 1015, and authorizing the Mayor to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-628.

160479 - Feuss/Grieder

that “Resolution approving a Right-of-Way License Agreement with USCOC of Greater Iowa, LLC, to allow use of city right-of-way for a communication system, and authorizing the Mayor to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

David Dryer, 3145 W. 4th Street, questioned whom he could contact to level the area disturbed around the box located on his property on 4th Street, in accordance with the ordinance, so that he can continue to mow there.

Jamie Knutson, City Engineer, commented that staff have contacted the company and told them that they need to fix the fill dirt around the box.

Resolution adopted and upon approval by Mayor assigned No. 2021-629.

160480 - Feuss/Grieder

that “Resolution approving Small Cell Wireless Facility Fee Schedule”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-630.

160481 - Feuss/Grieder

that “Resolution approving Memorandum of Understanding with the Chicago Central & Pacific Railroad Company, in an amount not to exceed \$20,000.00, to facilitate the construction of the 11th Street Bridge, and authorize the Mayor and City Clerk to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-631.

160482 - Amos/Grieder

that “Resolution approving a Design Services Contract with Invision Planning, Architecture and Interiors, of Waterloo, Iowa, in conjunction with the Waterloo Public Works Facility Planning Project, in an amount not to exceed \$12,000, and authorizing Mayor and City Clerk to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-632.

160483 - Amos/Grieder

that “Resolution approving request to purchase five (5) 2021 Ford Explorer Police AWD, 4-door SUVs from Stivers Ford of Waukee, Iowa, from the current open bid originally awarded by Council on April 8, 2019, in the amount of \$35,088 each, for a total of \$175,440, for the Police Department”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Jeff Essmann, Crestridge Drive, questioned why the city is purchasing vehicles from Waukee, Iowa when we have Ford dealers in both Waterloo and Hudson.

Randy Bennett, Public Works Division Manager, commented that the bid being utilized is from a 2019 state bid. He explained there are times that they would still purchase locally depending on available funds.

Mr. Boesen requested clarification of the 2021-2026 strategic plan which called for trying out three different vehicles and questioned if that decision would be delayed another year.

Randy Bennett explained that trying additional vehicles would be delayed for another year as they capitalize on the 2019 pricing.

Resolution adopted and upon approval by Mayor assigned No. 2021-633.

160484 - Amos/Grieder

that “Resolution approving Supplemental Agreement No. 3 to a Professional Services Agreement with Stanley Consultants, Inc., of Des Moines, Iowa, originally approved on September 8, 2020, in an amount not to exceed \$1,945,600, in conjunction with the Park Avenue and 11th Street Bridge Replacements, Contract No. 1013, and authorizing the Mayor to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-634.

160485 - Grieder/Boesen

that “Resolution approving installation of a 25 MPH speed hump in the 1500 block of Oakwood Drive”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-635.

160486 - Grieder/Boesen

that “Resolution accepting two Quit Claim Deeds from the Iowa Department of Transportation for the conveyance of 0.15 acres and 0.40 acres of right-of-way, better suited to ownership by the City of Waterloo, and authorizing the Mayor and City Clerk to execute said documents”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Mr. Morrissey requested an overview of the item.

Noel Anderson explained why the city was accepting the Quit Claim Deeds.

Resolution adopted and upon approval by Mayor assigned No. 2021-636.

160487 - Grieder/Boesen

that “Resolution approving a Development Agreement with Hoss Builders, LLC, for the construction of an infill lot on Lois Lane, including \$5,000 in payment incentive upon completion of new home, and authorizing the Mayor and City Clerk to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Mr. Boesen commented that he believes that the city has moved away from the original concept of infill development and explained the changes he has observed. Furthermore, he requested a work session on infill development.

Resolution adopted and upon approval by Mayor assigned No. 2021-637.

160488 - Boesen/Feuss

that “Resolution approving a Minor Site Plan Amendment to the "S-1" Shopping Center District to allow Hy-Vee on Flammang Drive to construct a 1,200 sq. ft. addition, for Hy-Vee Aisles Online pickup area on the west side of the current building, and authorizing the Mayor and City Clerk to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-638.

160489 - Boesen/Feuss

that “Resolution approving an Amendment to the Development Agreement with Paramount Investments, LLC, originally executed February 17, 2014, to clarify payment rebates, for a project located at 301-311 East 3rd Street, and authorizing the Mayor and City Clerk to execute said document”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-639.

160490 - Boesen/Feuss

that “Resolution approving a Settlement Agreement and Release with Zachary Beschoner, in the amount of \$7,227.85, for repairs on a sewer line serving 1103 Commercial Street, and authorizing the Mayor and City Clerk to execute said documents”, be adopted. Roll call vote-Ayes: Seven. Motion carried.

Resolution adopted and upon approval by Mayor assigned No. 2021-640.

ORDINANCES

160491 - Morrissey/Amos

that “an ordinance amending the 2020 Traffic Code by adding Subsection (157b) Greyhound Drive, both sides of street from West Ridgeway Avenue to Sergeant Road (Hwy. 63), to Section 551, Parking

Prohibited At All Times On Certain Streets”, be received, placed on file, considered and passed for the first time. Roll call vote-Ayes: Seven. Motion carried.

Jeff Eassmann, Crestridge Drive, commented that that truckers need a place to stop and park. If truck drivers don’t have a place to park and sleep then accidents can happen. He stated that the federal government requires drivers to only put in so many hours of service and the city badly needs places to park.

Sandie Greco, Traffic Operations Direction, commented that several departments within the city have received a number of complaints due to safety reasons, and she has been contacted by the developer asking that the city to prohibit parking. Letters have gone out to all businesses in the area but she has not received any responses.

Forest Dillavou, 1725 Huntington Road, commented that it is not a problem for drivers to have truckers parked along the side of the road. He stated that the drivers need a place a park and that the city or developer should create a place to park.

Todd Obadal, 124 Amity Drive, commented that he has not had any problem navigating the road with semi-trucks parked on both sides. He believes the developer is the driver behind wanting to convert this road into a no parking zone.

Mr. Boesen commented that the city needs to work with Love’s because the city allowed a truck stop to go into a postage stamp sized lot. He provided several examples of issues that have been created by giving Love’s a very small lot.

Mrs. Juon questioned if the city has any other land around that location that it could use to help work with Love’s.

Noel Anderson explained that the land is owned by private developers and the city does not own any other land in that area. The city would like to work with Love’s to help find a solution. He stated that he has placed four calls in the last two weeks to Love’s but has not heard back.

Mr. Grieder requested clarification that this does not affect the truck stop itself, but those who are parking on the roadways.

Sandie Greco confirmed.

Mr. Boesen commented that he would like to postpone this item until the city can get into contact with Love’s and work out a solution to parking.

Noel Anderson commented that he has been unable to reach anyone at Love’s, but will continue to try.

Mr. Amos commented that since the code allows for three readings, and since council meets every two weeks, that it should allow time for Mr. Anderson to try to work something out with Love’s.

Sandie Greco commented that they would like to work with the company but noted that winter is approaching and parking on the street does impact snow removal efforts.

Mr. Morrissey questioned if parking could be allowed on one side of the street.

Sandie Greco commented that they would need to look into that but it would still impact snow removal.

Mrs. Klein commented that she drives this area frequently and does not see the issue with parking. She added that she has a family member who is a trucker and the 10 hour rule imposed by the federal government is a real issue. She stated that she agrees with Mr. Morrissey and Mr. Boesen that she would like to see the city work with the truckers.

Mrs. Juon commented that Love’s was the professional and should have known that 60 lots was not sufficient.

that rules requiring ordinances to be considered and voted for passage at two prior meetings be suspended. Roll call vote-Ayes: Zero. Nays: Seven (Boesen, Amos, Morrissey, Klein, Feuss, Grieder, and Juon). Motion failed.

ADJOURNMENT

160493 - Morrissey/Amos

that the Council adjourn at 7:41 p.m. Voice vote-Ayes: Seven. Motion carried.

Kelley Felchle
City Clerk