

**CITY HALL
CEDAR FALLS, IOWA, JANUARY 20, 2020
REGULAR MEETING, CITY COUNCIL
MAYOR ROBERT M. GREEN PRESIDING**

The City Council of the City of Cedar Falls, Iowa, met in Regular Session, pursuant to law, the rules of said Council and prior notice given each member thereof, in the City Hall at Cedar Falls, Iowa, at 7:10 P.M. on the above date. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Absent: None.

- 52628 - It was moved by Kruse and seconded by Miller that the minutes of the Regular Meeting of January 6, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 52629 - City Clerk Danielsen announced that agenda item 27.(l) was being removed from consideration at the candidate's request.
- Mayor Green then commented briefly on the following procedural items:
- 1) City employees speaking on City personnel policies are prohibited.
 - 2) Public speakers will address the Mayor when speaking.
 - 3) Apology to Ms. Smith for incorrect statement during last City Council meeting.
 - 4) Public speakers will receive one-minute warning by the City Clerk going forward.
 - 5) Vehicles parked in areas where 'No Parking' signs are posted around City Hall tonight will not be cited.
- 52630 - Mayor Green announced that in accordance with the public notice of January 8, 2020, this was the time and place for a public hearing on the proposed FY2020-FY2025 Capital Improvements Program (CIP). It was then moved by Darrah and seconded by Miller that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52631 - The Mayor then asked if there were any written communications filed to the proposed Capital Improvements Program. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Finance & Business Operations Director Rodenbeck provided a brief summary, and Councilmembers Sires and Miller commented. Roger White, 2303 Greenwood Avenue, spoke in support of projects to improve bike trails and network signage, and Penny Popp, 4805 South Main Street, spoke on behalf of her neighborhood association with comments about various projects around South Main Street and the climate action plan. There being no one else present wishing to speak about the proposed Capital Improvements Program, the Mayor declared the hearing closed and passed to the next order of business.
- 52632 - It was moved by Kruse and seconded by Miller that Resolution #21,849, approving and adopting the FY2020-FY2025 Capital Improvements Program (CIP), be adopted. Following questions and comments by Councilmembers Miller and Kruse, and responses by Public Works Director Schrage, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay:

None. Motion carried. The Mayor then declared Resolution #21,849 duly passed and adopted.

- 52633 - It was moved by Kruse and seconded by Harding that Resolution #21,850, declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with specified projects, be adopted. Following a brief explanation by Finance & Business Operations Director Rodenbeck, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #21,850 duly passed and adopted.
- 52634 - Mayor Green announced that in accordance with the public notice of January 10, 2020, this was the time and place for a public hearing on a proposed Agreement for Private Development with SDC Real Estate, L.L.C. It was then moved by Darrah and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52635 - The Mayor then asked if there were any written communications filed to the proposed Agreement. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham provided a brief explanation of the proposed Agreement. Lisa Skubal, Vice President of Economic Development for Grow Cedar Valley, spoke in support of the Agreements being considered tonight. There being no one else present wishing to speak about the proposed Agreement, the Mayor declared the hearing closed and passed to the next order of business.
- 52636 - It was moved by Kruse and seconded by Harding that Resolution #21,851, approving and authorizing execution of an Agreement for Private Development with SDC Real Estate, L.L.C., be adopted. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #21,851 duly passed and adopted.
- 52637 - Mayor Green announced that in accordance with the public notice of January 10, 2020, this was the time and place for a public hearing on a proposed Second Agreement for Private Development with Standard Distribution Co. It was then moved by Darrah and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52638 - The Mayor then asked if there were any written communications filed to the proposed Agreement. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham provided a brief summary of the proposed Agreement. There being no one else present wishing to speak about the proposed Agreement, the Mayor declared the hearing closed and passed to the next order of business.

- 52639 - It was moved by Kruse and seconded by Miller that Resolution #21,852, approving and authorizing execution of a Second Agreement for Private Development with Standard Distribution Co., be adopted. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #21,852 duly passed and adopted.
- 52640 - Mayor Green announced that in accordance with the public notice of January 10, 2020, this was the time and place for a public hearing on a proposed Amended and Restated Agreement for Private Development with Owen 5, L.L.C. It was then moved by Darrah and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52641 - The Mayor then asked if there were any written communications filed to the proposed Agreement. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham provided a brief summary of the proposed Agreement. There being no one else present wishing to speak about the proposed Agreement, the Mayor declared the hearing closed and passed to the next order of business.
- 52642 - It was moved by Miller and seconded by Harding that Resolution #21,853, approving and authorizing execution of an Amended and Restated Agreement for Private Development and an Amended Minimum Assessment Agreement with Owen 5, L.L.C., be adopted. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #21,853 duly passed and adopted.
- 52643 - It was moved by Darrah and seconded by Kruse that Ordinance #2960, recreating the College Hill Self-Supported Municipal Improvement District (SSMID), be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Ordinance #2960 duly passed and adopted.
- 52644 - It was moved by deBuhr and seconded by Miller that Ordinance #2961, amending Section 26-118 of the Code of Ordinances by removing property located at 4911 University Avenue from the R-1, Residence District, and placing the same in the C-1, Commercial District, pursuant to provisions of a conditional zoning agreement, be passed upon its second consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried.
- 52645 - It was moved by Miller and seconded by Kruse that Ordinance #2962, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to

establishing parking regulations, in conjunction with the implementation of recommendations from the Downtown and College Hill parking studies, be passed upon its second consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried.

- 52646 - It was moved by Darrah and seconded by Kruse that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file a proclamation recognizing January 20, 2020 as Dr. Martin Luther King, Jr. Day of Service.

Approve the following applications for liquor licenses:

- a) Asian Fusion Vietnamese and Thai Cuisine, 5725 University Avenue, Special Class C liquor - renewal.
- b) Fraternal Order of Eagles, 2125 West Lone Tree Road, Class C liquor & outdoor service - renewal.
- c) Sakura Japanese Steakhouse & Sushi Bar, 5719 University Avenue, Class C liquor - renewal.
- d) Thunder Ridge Ampride, 2425 Whitetail Drive, Class E liquor - renewal.

Motion carried unanimously.

- 52647 - It was moved by deBuhr and seconded by Kruse to receive and file the Committee of the Whole minutes of January 6, 2020 relative to the following items:

- a) Capital Improvements Program (CIP).
- b) Conflict of Interest/Ex Parte Communications/Role of Elected Officials.
- c) Bus Route Restructuring.
- d) Bills & Payrolls.

Following comments by Councilmember Sires, the motion carried unanimously.

- 52648 - It was moved by Kruse and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #21,854, levying a final assessment for costs incurred by the City to mow and clear vegetation on the property located at 234 Clark Drive.

Resolution #21,855, levying a final assessment for costs incurred by the City to mow and clear vegetation on the property located at 929 Newman Avenue.

Resolution #21,856, levying a final assessment for costs incurred by the City to mow and clear vegetation on the property located at 2610 Valley Park Drive.

Resolution #21,857, levying a final assessment for costs incurred by the City to mow and clear vegetation on the property located at 2040 Waterloo Road.

Resolution #21,858, levying a final assessment for costs incurred by the City to

mow and clear vegetation on the property located in the vicinity of West 1st Street & Whitetail Drive.

Resolution #21,859, approving and authorizing execution of an agreement with Gillian Christy relative to placement of a sculpture at 220 Clay Street, as requested by the Cedar Falls Public Art Committee and the Art & Culture Board.

Resolution #21,860, approving and authorizing execution of three Red House Studio Leases relative to the use of 224 West Seerley Boulevard as artists' studio space, in conjunction with the Hearst Center's new Visiting Artist Program.

Resolution #21,861, approving the Certificate of Completion and accepting the work of Minturn, Inc. for the 2019 Bridge Maintenance Project.

Resolution #21,862, setting February 3, 2020 as the date of public hearing on the maximum levy rate.

Following due consideration by the Council, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolutions #21,854 through #21,862 duly passed and adopted.

52649 - It was moved by deBuhr and seconded by Kruse that Resolution #21,863, levying a final assessment for costs incurred by the City to mow and clear vegetation on the property located at 1616 Belle Avenue, be adopted. Following questions by Nate Didier, 501 Barbara Drive, and response by Community Development Director Sheetz, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #21,863 duly passed and adopted.

52650 - Mayor Green explained the process being used to fill the council vacancy by appointment, and randomly selected the speaking order of the following candidates seeking appointment.

- 1) Thomas Frein, 1319 Austin Way
- 2) Susan Sims, 3122 Pendleton Drive
- 3) Thomas Hagarty, 809 Franklin Street
- 4) Penelope (Penny) Popp, 4805 South Main Street
- 5) Rick Sharp, 1623 Birch Street
- 6) Paul Rider, Sr., 3422 Clearview Drive
- 7) Nick Taiber, 1709 Clay Street
- 8) Joyce Coil, 4404 Harvest Lane
- 9) Whitney Smith, 2904 Neola Street
- 10) Nate Didier, 501 Barbara Drive

Mayor Green then announced that candidate LeaAnn Saul, 1825 Greenhill Road, was unable to attend.

Following public comments by Scott Dix, 7821 North Union Road, Janesville, Ben Smith, 2904 Neola Street, and Kelly Dunn, 915 Royal Drive, it was moved by Harding and seconded by Sires to table the appointment until the February 3, 2020 City Council meeting. Motion to table failed 2-4, with Councilmembers Miller, deBuhr, Kruse and Darrah voting nay.

It was then moved by Harding to appoint Penelope Popp to the Council vacancy. Motion to appoint failed due to lack of a second.

It was then moved by Harding to appoint Susan Sims to the Council vacancy. Motion to appoint failed due to lack of a second.

It was then moved by Darrah and seconded by Kruse to appoint Nick Taiber to the Council vacancy. Motion carried 4-2, with Councilmembers Harding and Sires voting nay.

52651 - It was moved by Kruse and seconded by Miller that the bills and payroll of January 20, 2020 be allowed as presented, and that the Controller/City Treasurer be authorized to issue City checks in the proper amounts and on the proper funds in payment of the same. Upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried.

52652 - Councilmember Miller requested that speakers provide the city when providing their address.

It was moved by Darrah and seconded by Sires to refer to a committee comprised of city staff and school representatives, discussion of safety around the schools during drop-off and pick-up of students. Following comments by Mayor Green, the motion carried unanimously.

52653 - Councilmember Sires and Mayor expressed appreciation to all of the candidates who were interested in being appointed to the council vacancy.

52654 - Community Development Director Sheetz announced the kick-off event for *Imagine College Hill*, January 29th, 6-8 PM at the University of Northern Iowa Center for Energy and Environmental Education (CEEE).

Northern Iowa Student Government Liaison Rebecca Aberle announced the Mock Caucuses on January 27th and the 'You're Next Conference' on January 31st, both happening on the University of Northern Iowa campus.

Public Safety Services Director Olson and Fire Chief Bostwick responded to questions by Councilmembers Miller and Kruse regarding purchasing fire hydrant kits for police squad cars.

52655 - It was moved by Kruse and seconded by Miller to adjourn to Executive Session to discuss Property Acquisition per Iowa Code Section 21.5(1)(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have

to pay for that property or reduce the price the governmental body would receive for that property, following Public Forum. Upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried.

52656 - City Administrator Gaines, Finance & Business Operations Director Rodenbeck and Councilmember Kruse responded to questions by Jeremy Sulentic, 1008 Rocklyn Street, and Councilmember Miller regarding health insurance and severance benefits for retirees.

Scott Dix, 7021 North Union Road, Janesville, attempted to speak about city employee health insurance, but was advised by Mayor Green that as an employee, he was not allowed to not comment on employment related issues.

Jay Stoddard, 228 Maryhill Drive, and Rosemary Beach, 5018 Sage Road, expressed concerns with allowing competing events during Sturgis Falls Celebration.

Rick Sharp, 1623 Birch Street, spoke in support of bringing July 4th fireworks back to Cedar Falls and expressed concern with prohibiting competing events during the Sturgis Falls Celebration.

Thomas Frein, 1319 Austin Way, also expressed concern with prohibiting competing events during the Sturgis Falls Celebration, and inquired about embargos for semi-trucks in roundabouts.

Kelly Dunn, 915 Royal Drive, expressed appreciation for improved safety because of roundabouts on University Avenue, supports a roundabout at the Greenhill Road and South Main Street intersection, and encouraged councilmembers to work together for the community.

Paul Rider, Sr., 3422 Clearview Drive, expressed respect for the Councilmembers and suggested a broader conversation about the Public Safety Officer program.

Mayor Green and City Administrator Gaines responded to questions by Jessica Wittenberg, 4319 Wynnewood Drive, regarding snow removal and the deadline to file a petition for a special election.

The City Council adjourned to Executive Session at 9:14 P.M.

Mayor Green reconvened the City Council meeting at 9:48 P.M. and stated that Property Acquisition had been discussed but that no further action was required at this time.

52657 - It was moved by Darrah and seconded by Harding that the meeting be adjourned at 9:49 P.M. Motion carried unanimously.