

**CITY HALL
CEDAR FALLS, IOWA, MARCH 5, 2018
REGULAR MEETING, CITY COUNCIL
MAYOR JAMES P. BROWN 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 7:00 P.M. on the above date. Members present: Miller, deBuhr, Kruse, Blanford, Darrah (via phone), Wieland, Green. Absent: None.

- 51744 - It was moved by Kruse and seconded by Blanford that the minutes of the Regular Meeting of February 19, 2018 be approved as presented and ordered of record. Motion carried unanimously.

Mayor Brown read a proclamation recognizing the 50th Anniversary of Municipal Home Rule in Iowa.

- 51745 - Mayor Brown announced that in accordance with the public notice of February 23, 2018, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2018 Sanitary Sewer Rehabilitation Project. It was then moved by Miller and seconded by Wieland that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 51746 - The Mayor then asked if there were any written objections filed to the proposed plans, etc. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. Water Reclamation Division Manager Nyman provided a brief project summary. There being no one else present wishing to speak either for or against the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.

- 51747 - It was moved by Blanford and seconded by Wieland that Resolution #20,979, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2018 Sanitary Sewer Rehabilitation Project, 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried. The Mayor then declared Resolution #20,979 duly passed and adopted.

- 51748 - Mayor Brown announced that in accordance with the public notice of February 23, 2018, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the Campus Street Bridge Replacement University Branch of Dry Run Creek Project and to authorize acquisition of private property for said project. It was then moved by Miller and seconded by Green that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 51749 - The Mayor then asked if there were any written objections filed to the proposed public improvement project. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Engineer Resler

provided a brief project summary. There being no one else present wishing to speak either for or against the proposed public improvement project, the Mayor declared the hearing closed and passed to the next order of business.

- 51750 - It was moved by Blanford and seconded by Wieland that Resolution #20,980, approving a public improvement for the Campus Street Bridge Replacement University Branch of Dry Run Creek Project and authorizing acquisition of private property for said project, 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried. The Mayor then declared Resolution #20,980 duly passed and adopted.
- 51751 - Mayor Brown announced that this was the time and place for a hearing on a complaint issued to B & B West, 3105 Hudson Road, for a first tobacco violation. Assistant City Attorney Bembridge commented. There being no one else present wishing to speak on behalf of B & B West, the Mayor declared the hearing closed and passed to the next order of business.
- 51752 - It was moved by Blanford and seconded by deBuhr to approve and authorize execution of an Order Assessing Penalty relative to a First Tobacco Violation regarding B & B West, 3105 Hudson Road. Motion carried unanimously.
- 51753 - Mayor Brown announced that this was the time and place for a hearing on a complaint issued to Great Wall, 2125 College Street, for a first tobacco violation. Assistant City Attorney Bembridge commented. There being no one else present wishing to speak on behalf of Great Wall, the Mayor declared the hearing closed and passed to the next order of business.
- 51754 - It was moved by Blanford and seconded by Wieland to approve and authorize execution of an Order Assessing Penalty relative to a First Tobacco Violation regarding Great Wall, 2125 College Street. Motion carried unanimously.
- 51755 - It was moved by Wieland and seconded by Green to reconsider action taken relative to a Highway Corridor and Greenbelt (HCG) Overlay Zoning District site plan for construction of a convenience store/gas station and detached carwash on Lots 33 & 34 of Pinnacle Prairie Business Center North. (4515 Coneflower Parkway) Following comments from Councilmembers Wieland and Green, the motion carried 5-2, with deBuhr and Kruse voting nay.

It was then moved by Green and seconded by Kruse to table the original motion. Motion to table carried unanimously.

- 51756 - It was moved by Miller and seconded by Kruse that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file the resignation of Eashaan Vajpeyi as a member of the Human Rights Commission.

Approve the recommendation of the Mayor relative to the appointment of Evan

Renfro to the Library Board of Trustees, term ending 06/30/2022.

Receive and file the Committee of the Whole minutes of February 19, 2018 relative to the following items:

- (1) Library Board of Trustees interview (Evan Renfro).
- (2) On-street parking regulations for trailers.
- (3) Butchering/harvesting animals within city limits.
- (4) Recreation/Aquatics Programs.
- (5) Bills & Payroll.

Approve and adopt action taken at the Committee of the Whole meeting of February 19, 2018 relative to the following items:

- (1) On-street parking regulations for trailers.
- (2) Butchering/harvesting animals within city limits.

Receive and file the City Council Work Session minutes of February 26, 2018.

Receive and file Departmental Monthly Reports of January 2018.

Approve a request for street closures for the Downtown Show and Shine, May 6, 2018.

Approve and authorize execution of an Order Accepting Acknowledgment/Settlement Agreement relative to a Tobacco Violation regarding Metro Mart, 103 Franklin Street.

Approve the following applications for beer permits and liquor licenses:

- (1) Pheasant Ridge Golf Course, 3205 West 12th Street, Class B beer & outdoor service - renewal.
- (2) Happy's Wine & Spirits, 5925 University Avenue, Class E liquor - renewal.

Motion carried unanimously.

51757 - It was moved by Kruse and seconded by Green that the following resolutions be introduced and adopted:

Resolution #20,981, deleting the pay for an employee in the position of PT-Community Service Officer I in the Police Operations Division.

Resolution #20,982, deleting the pay for an employee in the position of Public Safety Officer in the Police Operations Division.

Resolution #20,983, establishing the pay for a new employee hired in the position of PT-Community Service Officer I in the Police Operations Division.

Resolution #20,984, establishing the pay for a new employee hired in the position of PT-Assistant Equipment Mechanic in the Public Works & Parks Division.

Resolution #20,985, establishing the pay for a new employee hired in the position of Traffic Operations Supervisor in the Public Works & Parks Division.

Resolution #20,986, establishing the pay for an employee assigned to the position of Acting Battalion Chief-POC in the Fire Operations Division.

Resolution #20,987, establishing the pay for an employee reclassified to the position of Public Safety Officer in the Police Operations Division.

Resolution #20,988, adjusting the pay for two employees in the position of PT-Community Service Officer I in the Police Operations Division.

Resolution #20,989, approving and adopting the Classification and Compensation Study relative to job classifications and pay grade allocations for certain employees of the City of Cedar Falls.

Resolution #20,990, approving and authorizing execution of an Amendment to Agreement for Animal Control Services with the City of Waterloo, Iowa.

Resolution #20,991, approving and authorizing execution of a grant agreement with the Black Hawk County Gaming Association relative to construction of pickle ball courts at Orchard Hill Park.

Resolution #20,992, approving the Certificate of Completion and accepting the work of Aspro, Inc. for the 2017 Street Restoration Project.

Resolution #20,993, approving the Certificate of Completion and accepting the work of Blacktop Service Company for the 2017 Seal Coat Project.

Resolution #20,994, approving and accepting the contract and bond of Peterson Contractors, Inc. for the 2018 Street Construction Project.

Resolution #20,995, approving funding and authorizing execution of an Application for Assistance with the Black Hawk Soil and Water Conservation District relative to the University Avenue Bioretention Cells.

Resolution #20,996, approving and authorizing execution of a Form of Contract for Asbestos Removal with Advanced Environmental Testing and Abatement, Inc., in conjunction with a nuisance abatement relative to 216 Iowa Street.

Resolution #20,997, approving the Pinnacle Ridge Minor Plat.

Resolution #20,998, approving the preliminary plat of Gateway Business Park at Cedar Falls.

Resolution #20,999, setting March 19, 2018 as the date of public hearing to consider entering into a proposed Agreement for Private Development and to consider conveyance of certain city owned real estate to ACOH, L.L.C.

Resolution #21,000, setting March 19, 2018 as the date of public hearing on the proposed vacation of utility easements on Lots 2 & 4 in Auditor's Mill Company Plat.

Resolution #21,001, setting March 19, 2018 as the date of public hearing on the proposed vacation and dedication of utility easements on Lots 32 and 33 of Pinnacle Prairie Business Center North.

Resolution #21,002, setting March 19, 2018 as the date of public hearing on a proposed vacation and conveyance of a portion of Dallas Drive right-of-way to John G. Investments, Inc.

Resolution #21,003, setting March 19, 2018 as the date of public hearing on proposed amendments to the FY18-19 Annual Consolidated Plan and FY15-19 Consolidated Plan for the Community Development Block Grant and Home Programs.

Resolution #21,004, setting March 19, 2018 as the date of public hearing on the proposed adoption by reference of the 2017 Edition of the National Electrical Code and certain amendments thereto.

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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried. The Mayor then declared Resolutions #20,981 through #21,004 duly passed and adopted.

51758 - It was moved by Miller and seconded by Kruse that Ordinance #2918, amending Chapter 6, Animals, of the Code of Ordinances relative to butchering and disposal of dead animals, be passed upon its first consideration. The Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried.

51759 - It was moved by Miller and seconded by Blanford that the rules requiring Ordinance #2919, amending Chapter 26, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking on the Vine Street cul-de-sac, to be considered at three separate meetings, be suspended. Following comments by City Attorney Rogers, a question by Councilmember Wieland and response by Councilmember Miller, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Blanford, Darrah, Wieland, Green. Nay: none. Motion carried.

It was then moved by Green and seconded by Miller that Ordinance #2919, amending Chapter 26, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking on the Vine Street cul-de-sac, be passed upon its third and final consideration. The Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried. The Mayor then declared Ordinance #2919 duly passed and adopted.

51760 - It was moved by Wieland and seconded by Kruse that the bills and payroll 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried.

51761 - Craig Fairbanks, 405 Spruce Hills Drive, spoke opposed to the location of the proposed Kwik Star.

Penny Popp, 4805 South Main Street, spoke opposed to Kwik Star hours of operation and urged a "No" vote.

Councilmember Wieland commented on trailer parking and police enforcement of the 48-Hour parking ordinance.

51762 - It was moved by Kruse and seconded by Blanford that the meeting be adjourned at 7:32 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk