

**CITY HALL
CEDAR FALLS, IOWA, AUGUST 20, 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 7:10 P.M. on the above date. Members present: Miller, deBuhr, Kruse, Blanford, Darrah, Wieland, Green. Absent: None.

- 52000 - It was moved by Kruse and seconded by Green that the minutes of the Regular Meeting of August 6, 2018 be approved as presented and ordered of record. Motion carried unanimously.

The Mayor then read a proclamation recognizing the 28th Anniversary of the Americans with Disability Act. Black Hawk County Disability Caucus representative Eric Donat commented.

- 52001 - Public Safety Services Director Olson provided an introduction and Mayor Brown proceeded with the Administration of Oath to new Public Safety Officers Cedric Danilson, Liesel Reimers and Jose Velasco, and new Paid On Call/Reserve Officers Nicolas Erickson and Angela Lindley.

- 52002 - Mayor Brown announced that in accordance with the public notice of August 10, 2018, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Cedar Falls Public Library Remodel Project. It was then moved by Darrah and seconded by Wieland that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 52003 - 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. Building Official Witry and Library Director Robinson commented briefly. 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.

- 52004 - It was moved by Kruse and seconded by Blanford that Resolution #21,223, approving and adopting the plans, specifications, form of contract & estimate of cost for the Cedar Falls Public Library Remodel 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 #21,223 duly passed and adopted.

- 52005 - Mayor Brown announced that in accordance with the public notice of August 10, 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 Seal Coat Project. It was then moved by Wieland and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 52006 - 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. City Engineer Resler commented briefly. 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.
- 52007 - It was moved by Kruse and seconded by Miller that Resolution #21,224, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2018 Seal Coat 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 #21,224 duly passed and adopted.
- 52008 - It was moved by Kruse and seconded by Miller that Ordinance #2928, amending Chapter 6, Animals, of the Code of Ordinances relative to butchering and disposal of dead animals, 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried. The Mayor then declared Ordinance #2928 duly passed and adopted.
- 52009 - It was moved by Darrah and seconded by Kruse that Ordinance #2929, amending Chapter 29, Zoning, and Chapter 27, Utilities, of the Code of Ordinances relative to the City's floodplain regulations, 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried.
- 52010 - It was moved by Kruse and seconded by Darrah that Ordinance #2930, rezoning property located generally on Lots 7 & 8 of the Midway Business Park Addition pursuant to provisions of a Zoning Agreement associated with Ordinance #2080, which placed said property in the R-4 Residential Zoning District, 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried.
- 52011 - It was moved by Kruse and seconded by Green that the following items and recommendations on the Consent Calendar be received, filed and approved:
- Receive and file the Committee of the Whole minutes of August 6, 2018 relative to the following items:
- (1) Downtown ordinance revisions related to building design review.
 - (2) Bills & Payrolls.
- Receive and file the Administration Committee minutes of July 23, 2018.

Receive and file the report of the July 23, 2018 Joint Meeting of the City Council & the Utilities Board of Trustees.

Receive and file the bid received for the 2018 Sidewalk Assessment Project, Zone 9.

Approve the following special event related requests:

- (1) Street closure, West 25th Street, August 26, 2018.
- (2) Street closures, ARTapalooza, September 8, 2018.
- (3) Street closures & parking variance, Friends of Western Home Communities Annual Breakfast & Family Fun, September 8, 2018.
- (4) Street closure, West 25th Street, September 22, 2018.
- (5) Street/parking lot closures & parking variances, UNI Homecoming activities, October 19-20, 2018.

Approve the following applications for beer permits and liquor licenses:

- (1) Main Street Sweets, 210 Main Street, Class B native wine - renewal.
- (2) Buffalo Wild Wings, 6406 University Avenue, Class C liquor & outdoor service - renewal.
- (3) The Other Place, 4214 University Avenue, Class C liquor & outdoor service - renewal.
- (4) The Pump Haus Pub & Grill, 311 Main Street, Class C liquor - renewal.
- (5) Whiskey Road Tavern & Grill, 402 Main Street, Class C liquor & outdoor service - renewal.
- (6) Wal-Mart, 525 Brandilynn Boulevard, Class E liquor - change in ownership.
- (7) Jorgensen Plaza (Table 1912, Diamond Event Center and Gilmore's Pub), 5307 Caraway Lane, Class C liquor - adding outdoor service.
- (8) Mary Lou's Bar & Grill, 2719 Center Street, Class C liquor - temporary outdoor service. (August 25-26, 2018)

Motion carried unanimously.

52012 - It was moved by Wieland and seconded by Kruse that the following resolutions be introduced and adopted:

Resolution #21,225, approving and authorizing execution of a Memorandum of Understanding with the City of Waterloo and Black Hawk County relative to the 2018-2019 Edward Byrne Memorial Justice Assistance Grant (JAG) funding for the Tri-County Drug Enforcement Task Force.

Resolution #21,226, approving and authorizing execution of a First Year Extension of an Agreement for Custodial Services with T & C Cleaning, Inc. relative to custodial services for city buildings for a period of September 1, 2018 through August 31, 2019.

Resolution #21,227, approving the partial release of retainage funds to K. Cunningham Construction Company, Inc. for the University Avenue Reconstruction Project, Phase I.

Resolution #21,228, approving and accepting the bid of Feldman Concrete, in the

amount of \$38,923.88, for the 2018 Sidewalk Assessment Project, Zone 9.

Resolution #21,229, approving final occupancy of the Aldrich Elementary School prior to the acceptance of the public improvements in McMahill First Addition.

Resolution #21,230, approving and authorizing Change Order No. 1 to the contract with Iowa Bridge & Culvert, LC for the 2017 Levee/Floodwall System Improvements Project.

Resolution #21,231, approving and authorizing execution of a Development Agreement with JDavis Properties, L.L.C., and approving an S-1 Zoning District site plan for the redevelopment of a building located at 6607 University Avenue.

Resolution #21,232, approving and authorizing execution of an Amendment to Agreement for Private Development with BAJR Enterprises, L.L.C. relative to commencement and completion dates.

Resolution #21,233, approving and adopting amendments to the City's Low Rent Housing Agency Administrative Plan.

Resolution #21,234, approving and authorizing execution of an Amendment to Restrictions Agreement with Tindall Enterprises, LLC (f/n/a BlackHawk Hotel, L.L.C.), Eagle View Hospitality LC and Main Street Hotels LC relative to transfer of ownership, and approving and authorizing execution of a Subordination Agreement relative to a Forgivable Mortgage and Promissory Note, in conjunction with the Multi-Family (Rental) Unit Production - New Construction Program, Round 6.

Resolution #21,235, approving and authorizing a change order to a Rehabilitation Contract with Kirvan Enterprises LLC relative to a Community Development Block Grant (CDBG) housing rehabilitation project at 1622 Clay Street.

Resolution #21,236, approving and accepting a Lien Notice and Special Promissory Note for property located at 1509 Franklin Street relative to the Rental to Single Family Owner Conversion Incentive Program.

Resolution #21,237, setting September 4, 2018 as the date of public hearing on proposed amendments to Chapter 29, Zoning, of the Code of Ordinances relative to design guidelines in the Central Business District Overlay Zoning District.

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 #21,225 through #21,237 duly passed and adopted.

52013 - It was moved by Miller and seconded by Kruse that the bills and payrolls 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.

52014 - Mayor introduced a video update on the 'Place to Play Park' and announced the groundbreaking ceremony scheduled for September 29th at Greenhill Park.

52015 - Community Development Director Sheetz responded to concerns expressed by Butch Brown, 421 Spruce Hills Drive, regarding traffic on Greenhill Road.

Building Official Witry responded to concerns expressed by Penny Popp, 4805 South Main Street, regarding concrete dust in their neighborhood.

Community Development Director Sheetz responded to inquiries by Rosemary Beach, 5018 Sage Road, regarding road conditions on Main Street, speed limits on South Main Street and the parking area near the trail.

Bob Manning, 2908 West 3rd Street, Executive Officer of Cedar Valley Home Builders, announced the Cedar Valley Parade of Homes on August 23-26, 2018.

52016 - It was moved by Wieland and seconded by Kruse that the meeting be adjourned at 7:45 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk