

**CITY HALL
CEDAR FALLS, IOWA, MARCH 19, 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, Green. Absent: Wieland.

- 51763 - It was moved by Miller and seconded by deBuhr that the minutes of the Regular Meeting of March 5, 2018 be approved as presented and ordered of record. Motion carried unanimously.

The Mayor then read a proclamation declaring March 2018 as the 16th Annual March for Meals Month, and Northeast Iowa Area Agency on Aging Specialist Kim Hinz commented.

- 51764 - Mayor Brown announced that in accordance with the public notice of March 9, 2018, this was the time and place for a public hearing on a proposed Agreement for Private Development and conveyance of certain city-owned real estate to ACOH, L.L.C. 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.

- 51765 - The Mayor then asked if there were any written objections filed to the proposed agreement and conveyance. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Planner II Graham commented briefly on the proposal. There being no one else present wishing to speak either for or against the proposed agreement and conveyance, the Mayor declared the hearing closed and passed to the next order of business.

- 51766 - It was moved by Darrah and seconded by Blanford that Resolution #21,005, approving and authorizing execution of an Agreement for Private Development and a Minimum Assessment Agreement with ACOH, L.L.C., and approving and authorizing execution of a Quit Claim Deed conveying title to certain real estate to ACOH, 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, Blanford, Darrah, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,005 duly passed and adopted.

- 51767 - It was moved by Darrah and seconded by Miller that Resolution #21,006, approving a Central Business District Overlay Zoning District site plan for construction of a new hotel at 10 Main Street, be adopted. Steve Wikert, 110 W. 16th Street, suggested design revisions and requested that consideration of the proposed site plan be tabled, Greater Cedar Valley Alliance and Chamber representative Lisa Skubal commented in support of the proposed project, City Planner III Sturch provided an overview of the proposed project and Mayor Brown conveyed positive comments on behalf of Community Main Street. Following questions and comments

by Councilmembers deBuhr, Miller, Blanford, Kruse, Darrah and Green, and responses by Sturch, Attorney Rogers and Hawkeye Hotels Development Director Om Patel, 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, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,006 duly passed and adopted.

- 51768 - Mayor Brown announced that in accordance with the public notice of March 9, 2018, this was the time and place for a public hearing on a proposed vacation of utility easements on Lots 2 & 4 in Auditor's Mill Company Plat. It was then moved by deBuhr and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 51769 - The Mayor then asked if there were any written objections filed to the proposed vacation. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Planner III Sturch commented briefly on the proposal. There being no one else present wishing to speak either for or against the proposed vacation, the Mayor declared the hearing closed and passed to the next order of business.
- 51770 - It was moved by Darrah and seconded by Blanford that Resolution #21,007, approving and authorizing vacation of utility easements on Lots 2 & 4 in Auditor's Mill Company Plat, 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, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,007 duly passed and adopted.
- 51771 - It was moved by Blanford and seconded by Miller that Resolution #21,008, approving and authorizing execution of a developmental procedures agreement with Hawkeye Hotels, Inc. relative to property located at the northwest corner of West 1st Street and Main Street, 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, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,008 duly passed and adopted.
- 51772 - It was moved by Darrah and seconded by Kruse that Resolution #21,009, approving and authorizing execution of a Maintenance and Repair Agreement with Hawkeye Hotels, Inc. relative to a post-construction stormwater management plan for 10 Main Street, 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, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,009 duly passed and adopted.
- 51773 - Mayor Brown announced that in accordance with the public notice of March 9, 2018, this was the time and place for a public hearing on a proposed vacation and dedication of utility easements on Lots 32 and 33 of Pinnacle Prairie Business Center North. It was then moved by Green and seconded by Blanford that the proof

of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 51774 - The Mayor then asked if there were any written objections filed to the proposed vacation and dedication. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Planner III Sturch commented briefly on the proposal. There being no one else present wishing to speak either for or against the proposed vacation and dedication, the Mayor declared the hearing closed and passed to the next order of business.
- 51775 - It was moved by Darrah and seconded by Blanford that Resolution #21,010, approving and authorizing vacation and dedication of utility easements on Lots 32 and 33 of Pinnacle Prairie Business Center North, 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, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,010 duly passed and adopted.
- 51776 - Mayor Brown announced that in accordance with the public notice of March 9, 2018, this was the time and place for a public hearing on a proposed vacation and conveyance of a portion of Dallas Drive right-of-way to John G. Investments, Inc. It was then moved by deBuhr and seconded by Miller that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 51777 - The Mayor then asked if there were any written objections filed to the proposed vacation and conveyance. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Planner III Sturch commented briefly on the proposal. There being no one else present wishing to speak either for or against the proposed vacation and conveyance, the Mayor declared the hearing closed and passed to the next order of business.
- 51778 - It was moved by Blanford and seconded by Kruse that Ordinance #2920, vacating a portion of Dallas Drive right-of-way, upon passed upon its first 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, Green. Nay: None. Motion carried.
- 51779 - Mayor Brown announced that in accordance with the public notice of March 9, 2018, this was the time and place for a 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. 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.
- 51780 - The Mayor then asked if there were any written objections filed to the proposed amendments. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. Community Development Director Sheetz commented briefly on the amendments. There being no one else present wishing to speak either for or against the proposed amendments, the Mayor declared the hearing closed and passed to the next order of business.

- 51781 - It was moved by Miller and seconded by Green that Resolution #21,011, approving amendments to the FY18-19 Annual Consolidated Plan and FY15-19 Consolidated Plan for the Community Development Block Grant and Home Programs, be adopted. Following questions by Councilmembers Blanford and Darrah, and responses by 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, Blanford, Darrah, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,011 duly passed and adopted.
- 51782 - Mayor Brown announced that in accordance with the public notice of March 9, 2018, this was the time and place for a public hearing on the proposed adoption by reference of the 2017 Edition of the National Electrical Code and certain amendments thereto. 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.
- 51783 - The Mayor then asked if there were any written objections filed to the proposed code adoption. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. Inspection Services Manager Witry commented briefly on the proposed code. There being no one else present wishing to speak either for or against the proposed code adoption, the Mayor declared the hearing closed and passed to the next order of business.
- 51784 - It was moved by deBuhr and seconded by Darrah that Ordinance #2921, amending Chapter 7, Buildings and Building Regulations, of the Code of Ordinances relative to the adoption by reference of the 2017 Edition of the National Electrical Code and certain amendments thereto, be passed upon its first 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, Green. Nay: None. Motion carried.
- 51785 - Mayor Brown announced that this was the time and place for a hearing on a proposed resolution adopting and levying the final schedule of assessments for the 2017 Sidewalk Assessment Project, Zone 8. The Mayor then called for oral comments. There being no one present wishing to speak on behalf of the property owners, the Mayor declared the hearing closed and passed to the next order of business.
- 51786 - It was moved by Miller and seconded by Green that Resolution #21,012, adopting and levying the final schedule of assessments for the 2017 Sidewalk Assessment Project, Zone 8, 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, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,012 duly passed and adopted.
- 51787 - It was moved by Darrah and seconded by Miller that Ordinance #2918, amending Chapter 6, Animals, of the Code of Ordinances relative to butchering and disposal of dead animals, 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, Green. Nay: None. Motion carried.

51788 - It was moved by Green and seconded by Miller that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file the resignation of Craig Schwerdtfeger as a member of the Board of Adjustment.

Receive and file the Committee of the Whole minutes of March 5, 2018 relative to the following items:

- (1) Cedar River Project.
- (2) Golf Privatization Update.
- (3) Bills & Payroll.

Endorse the recommendations of the Library Board of Trustees, the Art & Culture Board and the Parks & Recreation Commission regarding use of the Berg and Ray Funds held by the Cedar Falls Community Foundation for the benefit of the Cedar Falls Public Library, the Hearst Center and the Recreation Center.

Receive and file a communication from the Civil Service Commission relative to a certified list for the position of Equipment Mechanic.

Receive and file the bids received for the 2018 Sanitary Sewer Rehabilitation Project.

Approve a request for street closures for the Shamrock Shuffle on April 14, 2018.

Approve and authorize execution of an Order Accepting Acknowledgment/Settlement Agreement relative to a Second Tobacco Violation regarding Casey's General Store, 2425 Center Street.

Approve the application of Hansen's Dairy, 123 East 18th Street, for a cigarette/tobacco/nicotine/vapor permit.

Approve the following applications for beer permits and liquor licenses:

- (1) Barn Happy, 11310 University Avenue, Class B native wine - renewal.
- (2) Mary Lou's Bar & Grill, 2719 Center Street, Class C liquor - renewal.
- (3) Social House, 2208 College Street, Class C liquor & outdoor service - renewal.
- (4) Cedar Basin Jazz Festival & Live to 9, Sturgis Park, Special Class B beer & outdoor service - 6-month permit.

Motion carried unanimously.

51789 - It was moved by Miller and seconded by Kruse to approve and adopt action taken at the Committee of the Whole meeting of March 5, 2018 relative to the Cedar River Project. Community Development Director Sheetz responded to questions by Councilmembers deBuhr and Miller. Larry Wyckoff, 4241 Eastpark Road, and Tom Hagarty, 809 Franklin Street, spoke opposed to the project, and Leann Saul, 1825

Greenhill Road, and Jim Skaine, 2215 Clay Street expressed concerns with funding for the project. Following additional questions and comments by Councilmembers Blanford, Miller, deBuhr, Green and Kruse, and responses by Directors Sheetz and Ripplinger, it was moved by deBuhr and seconded by Green to table the motion so that a referral can be made to the Parks & Recreation Commission. Motion to table failed 2-4, with Miller, Kruse, Blanford and Darrah voting nay.

The Mayor then called for a vote on the original motion. Motion carried 4-2, with deBuhr and Green voting nay.

51790 - It was moved by Green and seconded by Kruse that the following resolutions be introduced and adopted:

Resolution #21,013, deleting the pay for an employee in the position of PT-Administrative Clerk in the Financial Services Division.

Resolution #21,014, deleting the pay for an employee in the position of Administrative Clerk in the Public Records Division.

Resolution #21,015, deleting the pay for an employee in the position of PT-Assistant Equipment Mechanic in the Public Works & Parks Division.

Resolution #21,016, deleting the pay for an employee in the position of Equipment Operator in the Public Works & Parks Division.

Resolution #21,017, deleting the pay for an employee in the position of PT-Transfer Station Laborer in the Public Works & Parks Division.

Resolution #21,018, establishing the pay for a new employee hired in the position of Planning & Community Services Manager in Community Development.

Resolution #21,019, levying a final assessment for costs incurred by the City to mow and clear vegetation on the property located at 922 Douglas Street.

Resolution #21,020, approving and authorizing execution of an agreement with Waterloo-Cedar Falls Umpires Association relative to the provisions of umpiring services for the 2018 season.

Resolution #21,021, approving and accepting the low bid of Municipal Pipe Tool Company, LLC, in the amount of \$233,469.40, for the 2018 Sanitary Sewer Rehabilitation Project.

Resolution #21,022, approving and authorizing execution of a Professional Service Agreement with Robinson Engineering Company relative to the Castle Hill and Hartman Subwatershed Assessment Project.

Resolution #21,023, approving and authorizing execution of a PIC Clean Up Agreement with Tenmast Software relative to the Housing Choice Voucher (Section 8) Program.

Resolution #21,024, approving and authorizing execution of a Contract for Completion of Improvements with Jensen Carpentry, Inc. relative to construction of a driveway at 1522 Belle Avenue.

Resolution #21,025, approving a Central Business District Overlay Zoning District site plan for relocation of a building from the corner of 1st and Main Street to the southeastern corner of Lot 1 of River Place 1st Addition.

Resolution #21,026, setting April 2, 2018 as the date of public hearing on proposed amendments to Chapter 29, Zoning, of the Code of Ordinances relative to removal of familial terminology to be in conformance with the Code of Iowa.

Resolution #21,027, setting April 2, 2018 as the date of public hearing on the proposed sale of Lot 5, West Viking Road Industrial Park, Phase II to Midwest Development Co. and Skogman Homes, and to consider entering into a proposed Real Estate Purchase Agreement with Midwest Development Co. and Skogman Homes.

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, Green. Nay: None. Motion carried. The Mayor then declared Resolutions #21,013 through #21,027 duly passed and adopted.

- 51791 - It was moved by Blanford and seconded by Miller that Resolution #21,028, approving and accepting the permanent transfers of \$3,400,000.00 from the Municipal Electric and Gas Utilities to the General Fund of the City of Cedar Falls, and \$30,000.00 from the Municipal Electric and Gas Utilities to the Economic Development Fund of the City of Cedar Falls, be adopted. Following comments by Jim Skaine, 2215 Clay Street, 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, Green. Nay: None. Motion Carried. The Mayor then declared Resolution #21,028 duly passed and adopted.
- 51792 - It was moved by Miller 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, Green. Nay: None. Motion carried.
- 51793 - Community Services Director Sheetz introduced Karen Howard as the new Community Services Manager.
- 51794 - It was moved by Darrah and seconded by Blanford 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, Blanford, Darrah, Green. Nay:

None. Motion Carried.

51795 - Mike Stout, 206 Spruce Hills Drive, Ron Flory, 301 Spruce Hills Drive, Jill Fisher, 203 Cordoba Avenue, and Penny Popp, 4805 South Main Street, spoke opposed to and expressed concerns about the proposed Kwik Star development. City Administrator Gaines, City Attorney Rogers and Community Development Director Sheetz provided information in response to the comments.

Larry Wyckoff, 4241 Eastpark Road, expressed concerns with the proposed development, and Police Chief Olson responded to his inquiry regarding future use of the current police operations location.

Jacob Garnette, 114 F Street, commented on utilizing data for comprehensive decisions, specifically relating to the Cedar River Project.

Jim Skaine, 2215 Clay Street, commented about free speech.

The City Council adjourned to Executive Session at 9:03 P.M.

Mayor Brown reconvened the Council Meeting at 9:29 P.M. and stated that Property Acquisition had been discussed but that no further action was required at this time.

51796 - It was moved by Blanford and seconded by Darrah that the meeting be adjourned at 9:30 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk