

**CITY HALL
CEDAR FALLS, IOWA, APRIL 16, 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, Wieland, Green. Absent: None.

- 51823 - It was moved by Wieland and seconded by Darrah that the minutes of the Regular Meeting of April 2, 2018 be approved as presented and ordered of record. Motion carried unanimously.

Mayor Brown read a proclamation declaring May 2018 as Bike Month; May 9, 2018 as Bike to School Day; May 14-18, 2018 as Bike to Work Week; May 16, 2018 as Ride of Silence Day; and May 18, 2018 as Bike to Work Day. Bicycle and Pedestrian Advisory Committee Chair Roger White commented and announced the Annual Trails Cleanup on Saturday, April 21, 2018.

Mayor Brown read a proclamation declaring April 17, 2018 as St. Patrick Catholic School Celebration Day in honor of its designation as a *Leader in Me* Lighthouse School and St. Patrick students Gianna and Molly commented.

Mayor Brown read a proclamation declaring April 23-27, 2018 as Administrative Professionals' Week and April 25, 2018 as Administrative Professionals' Day.

The Mayor then recognized the Cedar Falls Tigers High School Girls Volleyball State Champions and their Coach Matt Johnson, Boys Varsity Basketball State Champions and their Coach Brian Schulz, Swim Team State Champions and retiring Coach/Athletic Director Gary Koenig being named Iowa Athletic Director of the Year.

- 51824 - Mayor Brown announced that in accordance with the public notice of April 6, 2018, this was the time and place for a public hearing on proposed plans, specifications, form of contract & estimate of cost for the 2018 Permeable Alley Project. It was then moved by Wieland and seconded by Miller that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 51825 - 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 on the project. 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.
- 51826 - It was moved by Blanford and seconded by Miller that Resolution #21,052, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2018 Permeable Alley 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 #21,052 duly passed and adopted.

- 51827 - Mayor Brown announced that in accordance with the public notice of April 6, 2018, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Campus Street Box Culvert Project. It was then moved by Darrah and seconded by Blanford that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 51828 - 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 on the project. 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.
- 51829 - It was moved by Green and seconded by Blanford that Resolution #21,053, approving and adopting the plans, specifications, form of contract & estimate of cost for the Campus Street Box Culvert 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 #21,053 duly passed and adopted.
- 51830 - Mayor Brown announced that in accordance with the public notice of April 6, 2018, this was the time and place for a public hearing on a proposed vacation and dedication of utility easements on Lots 33 & 34 of Pinnacle Prairie Business Center North. It was then moved by Miller and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 51831 - 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.
- 51832 - It was moved by Miller and seconded by Blanford that Resolution #21,054, approving and authorizing vacation and dedication of utility easements on Lots 33 & 34 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, Wieland, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,054 duly passed and adopted.
- 51833 - It was moved by Wieland and seconded by Blanford 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 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 #2921 duly passed and adopted.

51834 - It was moved by Green and seconded by deBuhr that Ordinance #2922, amending Chapter 29, Zoning, of the Code of Ordinances relative to removal of familial terminology to be in conformance with the Code of Iowa, be passed upon its second consideration. Following a question by Councilmember Kruse 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, Darrah, Wieland, Green. Nay: Kruse, Blanford. Motion carried.

51835 - It was moved by Wieland and seconded by Darrah that the following items and recommendations on the Consent Calendar be received, filed and approved:

Approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:

- (1) Dan Berregaard, Board of Rental Housing Appeals, term ending 05/01/2022.
- (2) Kim Kranz, Board of Rental Housing Appeals, term ending 05/01/2022.
- (3) Brian Bowman, Parks & Recreation Commission, term ending 06/30/2021.

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

Receive and file the Bi-Annual Report of Community Main Street relative to FY18 Self-Supported Municipal Improvement District (SSMID) Funds & an FY18 Economic Development Grant.

Receive and file the plans, specifications, form of contract & estimate of cost for the Center Street Recreational Trail Project.

Approve the following sign related requests:

- (1) Waterloo-Cedar Falls Annual Coin Show, temporary signs, April 23-29, 2018.
- (2) Walk for Wishes, temporary sign, April 25-28, 2018.

Approve a request for street closures for the Iowa Shrine Bowl Parade on July 21, 2018.

Approve the following applications for beer permits and liquor licenses:

- (1) Godfather's Pizza, 1621 West 1st Street, Class B beer - renewal.
- (2) ZSAVOOZ, 206 Brandilynn Boulevard, Class C liquor & outdoor service renewal.
- (3) CVS/Pharmacy, 2302 West 1st Street, Class E liquor - renewal.
- (4) Prime Mart, 2728 Center Street, Class E liquor - renewal.
- (5) Walgreens, 2509 Whitetail Drive, Class E liquor - renewal.
- (6) Second State Brewing Company, 203 State Street, Class B beer & outdoor service - sidewalk café.

(7) Chad's Pizza & Restaurant, Birdsall Park Softball Complex, Class B beer & outdoor service - 6-month permit.

Motion carried unanimously.

51836 - It was moved by Darrah and seconded by Wieland that the following resolutions be introduced and adopted:

Resolution #21,055, approving and adopting amendments to Administrative Policy No. 7, City Council Meeting Procedures.

Resolution #21,056, approving and authorizing execution of an Engagement Agreement with Ahlers and Cooney, P.C. for services relating to bond sales.

Resolution #21,057, approving and authorizing execution of Amendment No. 1 to Memorandum of Understanding with the Iowa Department of Transportation relative to parking citation processing.

Resolution #21,058, approving and authorizing execution of an Easement Agreement, in conjunction with a sidewalk café at 203 State Street.

Resolution #21,059, approving and authorizing execution of a First Amendment to Exclusive Concession Agreement with Alex Funke, dba Chad's Pizza and Restaurant, relative to a concession agreement for Birdsall Park.

Resolution #21,060, approving and authorizing execution of a Service Agreement with Farmers State Bank relative to drawdowns of Community Development Block Grant (CDBG) funds.

Resolution #21,061, waiving all building and zoning permit fees for temporary residential handicap ramps constructed by the Black Hawk County Commission of Veteran Affairs.

Resolution #21,062, approving and authorizing execution of a Standard Form of Agreement with I & S Group, Inc. for architectural services relative to the Co-Lab Library Project.

Resolution #21,063, approving and authorizing execution of six Agreements for Professional Services relative to use of Community Development Block Grant (CDBG) funds, in conjunction with the FY17-18 Annual Action Plan.

Resolution #21,064, approving and authorizing execution of an Informal Project Contract for Demolition with Lehman Trucking & Excavating, Inc., in conjunction with a nuisance abatement at 216 Iowa Street.

Resolution #21,065, setting May 7, 2018 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Center Street Recreational Trail Project.

Resolution #21,066, setting May 7, 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 CRMS, L.L.C.

Resolution #21,067, setting May 7, 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 FN Investors, L.L.C.

Resolution #21,068, setting May 7, 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 Schuerman Construction, Inc.

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 #21,055 through #21,068 duly passed and adopted.

51837 - It was moved by Darrah and seconded by Green that Resolution #21,069, approving and authorizing execution of a Memorandum of Understanding with the Iowa Northland Regional Council of Governments (INRCOG) relative to updating the 1973 Area Wide Sanitary Sewer Study with a Regionalization of Wastewater Feasibility Study, be adopted. Following a comment by Mayor Brown announcing that the Black Hawk County Gaming Association awarded \$30,000 to each city towards funding the study, the Mayor then 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 #21,069 duly passed and adopted.

51838 - It was moved by Wieland and seconded by Darrah that Resolution #21,070, approving an amendment to the Greenhill Village Master Plan relative to construction of townhomes in the vicinity of Greenhill Road and Hudson Road, be adopted. Following a question by Councilmember deBuhr 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion Carried. The Mayor then declared Resolution #21,070 duly passed and adopted.

51839 - It was moved by Darrah and seconded by Green that Resolution #21,071, setting May 7, 2018 as the date of public hearing on amendments to the City's FY18 Budget, 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, Wieland, Green. Nay: None. Motion Carried. The Mayor then declared Resolution #21,071 duly passed and adopted.

51840 - It was moved by Miller and seconded by Darrah that the following resolutions be introduced and adopted:

Resolutions #21,072, setting May 7, 2018 as the date of public hearing on the

proposed issuance of not to exceed \$5,800,000.00 General Obligation Bonds (for Essential Corporate Purposes).

Resolution #21,073, setting May 7, 2018 as the date of public hearing on the proposed issuance of not to exceed \$550,000.00 General Obligation Bonds (for a General Corporate Purpose).

Resolution #21,074, setting May 7, 2018 as the date of public hearing on the proposed issuance of not to exceed \$350,000.00 General Obligation Bonds (for General Corporate Purposes).

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 #21,072 through #21,074 duly passed and adopted.

51841 - It was moved by Blanford and seconded by Darrah 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.

51842 - Councilmember Green commented on a Waterloo Neighborhood Leadership Summit he attended and encouraged similar round table discussions in Cedar Falls.

Mayor Brown and Planner III commented and presented a listing of approved items that were agreed upon by Kwik Star during the recent site plan approval.

51843 - Jim Skaine, 2215 Clay Street, expressed concerns regarding accidents, cost and effectiveness of University Avenue.

Larry Wyckoff, 4241 Eastpark Road, commented on the recent site plan approved for Kwik Star, traffic concerns in that area, and the cost of the University Avenue reconstruction.

Community Development Director Sheetz responded to comments regarding costs incurred and funding for the University Avenue Reconstruction Project.

Public Safety Director Olson responded to comments regarding accidents and stated that there have been fewer accidents on University Avenue according to the traffic studies completed before and after construction.

Ronald Florey, 301 Spruce Hills Drive, continues to oppose the proposed Kwik Star and requested a berm and trees on north side of Greenhill Road, diminished hours and fewer gas pumps.

Rosemary Beach, 5018 Sage Road, expressed concerns regarding recent developments in her neighborhood. She also recognized former Courier reporter Pat Kinney for his years of work.

Jill Fisher, 203 Cordoba Avenue, requested alternate traffic light signals at the South Main Street and Greenhill Road intersection. City Engineer Resler responded about a current proposal to complete a study and provide recommendations for intersection improvements.

Penny Popp, 4805 South Main Street, commented on procedures during the Kwik Star proposal and the summary of conditions. It was moved by Councilmember Kruse and seconded by Councilmember Green to allow additional speaking time. Motion carried unanimously.

City Administrator Gaines, City Attorney Rogers, City Engineer Resler and Municipal Operations and Programs Director Ripplinger responded to questions by Councilmembers Kruse, deBuhr, Darrah, Wieland and Green regarding requests for reduction of gas pumps, the city's ability to limit hours of operation, water runoff filtering, landscaping options and proposed timeline for construction of Kwik Star.

51844 - It was moved by Kruse and seconded by Wieland that the meeting be adjourned at 8:07 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk