

**CITY HALL
CEDAR FALLS, IOWA, OCTOBER 1, 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.

- 52045 - It was moved by Kruse and seconded by Green that the minutes of the Regular Meeting of September 17, 2018 be approved as presented and ordered of record. Motion carried unanimously.

Mayor Brown read a proclamation declaring October 7-13, 2018 as Earth Science Week and Geologist Sherman Lundy and UNI Student Evan Eades commented.

The Mayor read a proclamation declaring October 7-13, 2018 as Mental Illness Awareness Week. National Alliance on Mental Illness (NAMI) Board of Directors Member-at-Large Carollyn Hartsfield and Councilmember Wieland commented.

The Mayor read a proclamation declaring October 2018 as Breast Cancer Awareness Month. Beyond Pink TEAM Representative Gabbi DeWitt commented and Assistant Police Chief Berte and Fire Chief Bostwick displayed Police and Fire Department pink badges being worn to raise awareness and being sold as a fundraiser.

- 52046 - Mayor Brown announced that in accordance with the public notice of September 21, 2018, this was the time and place for a public hearing on proposed ordinance granting a partial property tax exemption to Standard Distribution Co. for construction of a warehouse addition at 317 Savannah Park Drive. 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.

- 52047 - The Mayor then asked if there were any written communications filed to the proposed partial property tax exemption. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planner II Graham commented briefly. There being no one else present wishing to speak either for or against the proposed partial property tax exemption, the Mayor declared the hearing closed and passed to the next order of business.

- 52048 - It was moved by Wieland and seconded by Kruse that Ordinance #2932, granting a partial property tax exemption to Standard Distribution Co. for construction of a warehouse addition at 317 Savannah Park Drive, 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, Wieland, Green. Nay: None. Motion carried.

- 52049 - Mayor Brown announced that in accordance with the public notice of September 21,

2018, this was the time and place for a public hearing on proposed Agreement for Private Development and conveyance of certain city-owned real estate to Six Kids, L.L.C. 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.

- 52050 - 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. Planner II Graham commented briefly. There being no one else present wishing to speak either for or against the proposed Agreement, the Mayor declared the hearing closed and passed to the next order of business.
- 52051 - It was moved by Wieland and seconded by Blanford that Resolution #21,272, approving and authorizing execution of an Agreement for Private Development and a Minimum Assessment Agreement with Six Kids, L.L.C., and approving and authorizing execution of a Quit Claim Deed conveying title to certain real estate to Six Kids, 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, Wieland, Green. Nay: None. Motion Carried. The Mayor then declared Resolution #21,272 duly passed and adopted.
- 52052 - Mayor Brown announced that in accordance with the public notice of September 21, 2018, this was the time and place for a public hearing on proposed rezoning from A-1, Agricultural District, to HWY-1, Highway Commercial District, of property located in the southwest corner of Highway 58 and West Ridgeway Avenue, subject to certain conditions. It was then moved by Miller and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52053 - The Mayor then asked if there were any written communications filed to the proposed rezoning. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planner II Graham and Midland Atlantic Development Company Managing Principal John Silverman, 8044 Montgomery Road Suite 370, Cincinnati, Ohio, commented briefly. There being no one else present wishing to speak either for or against the proposed rezoning, the Mayor declared the hearing closed and passed to the next order of business.
- 52054 - It was moved by Blanford and seconded by deBuhr that Ordinance #2933, amending Section 29-107 of the Code of Ordinances by removing property located in the southwest corner of Highway 58 and West Ridgeway Avenue from A-1, Agricultural District, and placing the same in HWY-1, Highway Commercial District, subject to certain conditions, be passed upon its first consideration. Councilmember Green commented on gateway aesthetics. 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.
- 52055 - Mayor Brown announced that in accordance with the public notice of September 21,

2018, this was the time and place for a public hearing on proposed rezoning from A-1, Agricultural District, to R-1, Residence District, of property located at the north end of Lakeshore Drive. 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.

52056 - The Mayor then asked if there were any written communications filed to the proposed rezoning. Upon being advised that there was one written communication on file, the Mayor then called for oral comments. Planner III Sturch commented briefly. Clapsaddle-Garber Associates (CGA) Engineer Steve Trosky responded to concerns expressed by Tamie Stahl, 1009 Lakeshore Drive. There being no one else present wishing to speak either for or against the proposed rezoning, the Mayor declared the hearing closed and passed to the next order of business.

52057 - It was moved by Wieland and seconded by Miller that Ordinance #2934, amending Section 29-107 of the Code of Ordinances by removing property located at the north end of Lakeshore Drive from A-1, Agricultural District, and placing the same in R-1, Residence District, be passed upon its first consideration. Following questions and comments by Councilmembers deBuhr, Wieland, Kruse, Green and Darrah and responses by Planner III Sturch and 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, Kruse, Blanford, Darrah, Wieland, Green. Nay: deBuhr. Motion carried.

52058 - It was moved by Wieland and seconded by Miller that Ordinance #2931, amending Chapter 29, Zoning, of the Code of Ordinances relative to design guidelines in the Central Business District Overlay Zoning District, 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 #2931 duly passed and adopted.

52059 - 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 Committee of the Whole minutes of September 17, 2018 relative to the following items:

- (1) Promotion of Household Hazardous Materials Drop-off & Electronics Recycling Event – September 22, 2018.
- (2) Bills & Payroll.

Receive and file a communication from the Civil Service Commission relative to a certified list for the position of Information Systems Technician I.

Receive and file Departmental Monthly Reports of August 2018.

Approve a request for a street closure and parking variance for the Pink Ribbon Run on October 6, 2018.

Approve the following applications for beer permits and liquor licenses:

- (1) Blue Room, 201 Main Street, Class C liquor - renewal.
- (2) Chapala 2, 1704 West 1st Street, Class C liquor - renewal.
- (3) Peppers Grill & Sports Pub, 620 East 18th Street, Class C liquor - renewal.
- (4) Casey's General Store, 601 Main Street, Class E liquor - renewal.
- (5) Fareway Store, 214 North Magnolia Drive, Class E liquor - renewal.
- (6) Casey's General Store, 2425 Center Street, Class C beer & Class B native wine – adding Class B wine.
- (7) Casey's General Store, 5226 University Avenue, Class C beer & Class B native wine – adding Class B wine.
- (8) Casey's General Store, 5908 Nordic Drive, Class C beer & Class B native wine – adding Class B wine.

Motion carried unanimously.

52060 - It was moved by deBuhr and seconded by Green that the following resolutions be introduced and adopted:

Resolution #21,273, levying a final assessment for costs incurred by the City to mow property located at 1028 West 12th Street.

Resolution #21,274, levying a final assessment for costs incurred by the City to mow property located at 424 Balboa Avenue.

Resolution #21,275, levying a final assessment for costs incurred by the City to mow and clear overgrown vegetation on the property located at 933 West 13th Street.

Resolution #21,276, approving and authorizing execution of an Amendment to SIRE Technologies Maintenance Agreement with Hyland Software, Inc. relative to the City's agenda management software.

Resolution #21,277, approving and authorizing execution of a 28E Agreement for Tobacco, Alternative Nicotine and Vapor Product Enforcement with the Iowa Alcoholic Beverages Division.

Resolution #21,278, approving and accepting completion of public improvements in The Arbors Third Addition.

Resolution #21,279, approving and authorizing execution of four Owner Purchase Agreements, and approving and accepting four Owner's Temporary Grading Easements and two Public Utility Easements, in conjunction with the West 1st Street Reconstruction Project.

Resolution #21,280, approving and authorizing Change Order No. 2 to the contract with Iowa Bridge & Culvert, LC for the 2017 Levee/Floodwall System Improvements Project.

Resolution #21,281, approving and authorizing execution of an Owner Purchase Agreement, and approving and accepting a Partial Release of Real Estate Mortgage and Permanent Utility Easement, in conjunction with the 2017 Levee/Floodwall

System Improvements Project.

Resolution #21,282, approving and accepting completion of traffic signal improvements in the Heritage Hills Estates Second Addition.

Resolution #21,283, approving and authorizing execution of a License Agreement with Aureon Network Services relative to installing a fiber optic telecommunications system in the West 1st Street & North Union Road public right-of-way.

Resolution #21,284, approving and authorizing execution of a License Agreement with Aureon Network Services relative to installing a fiber optic telecommunications system in the Magnolia Drive & Crescent Drive public right-of-way.

Resolution #21,285, approving and accepting the low bids, and approving and authorizing execution of three Rehabilitation Contracts with Kirvan Enterprises LLC, relative to Community Development Block Grant (CDBG) housing rehabilitation projects.

Resolution #21,286, approving a Central Business District Overlay Zoning District site plan for a deck addition at 419 Washington Street.

Resolution #21,287, approving and authorizing execution of a Memorandum of Understanding with the City of Waterloo relative to Iowa Northland Regional Council of Governments (INRCOG) preparation of the City's FY20-24 Five-Year Consolidated Action Plan for the Community Development Block Grant & HOME Programs.

Resolution #21,288, approving and authorizing execution of a Professional Service Agreement with the Iowa Northland Regional Council of Governments (INRCOG) relative to preparation of the Five-Year Consolidated Plan and Analysis of Impediments to Fair Housing for FFY 19-23 (City FY20-24).

Resolution #21,289, of support for a grant application to the Black Hawk County Gaming Association relative to the Downtown Streetscape Project.

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 #21,273 through #21,289 duly passed and adopted.

52061 - It was moved by Miller and seconded by Blanford that Resolution #21,290, approving and authorizing execution of an Agreement with Wantman Group, Inc. (WGI) to perform parking consulting services relative to a Downtown Parking Study, be adopted. Following questions by Councilmember Kruse and responses by Finance and 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion Carried. The Mayor then declared Resolution #21,290 duly passed and adopted.

52062 - It was moved by deBuhr and seconded by Darrah that Resolution #21,291, approving and authorizing placement of a Gold Star Family monument in Veterans Memorial Park, subject to funding by private donations, as recommended by the Parks & Recreation Commission, be adopted. Following expressed appreciation by Councilmembers deBuhr and Darrah, 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 #21,291 duly passed and adopted.

52063 - It was moved by Blanford and seconded by Green that Resolution #21,292, approving and authorizing execution of a Letter of Agreement and Request for Provisionally Accredited Levee (PAL) Designation with U.S. Homeland Security relative to the Federal Emergency Management Agency (FEMA) accreditation of the levee, be adopted. Following questions by Councilmember Kruse and responses by City Engineer Resler and City Administrator Gaines, 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 #21,292 duly passed and adopted.

52064 - It was moved by Miller and seconded by Kruse to pass an ordinance amending Chapter 6, Animals, of the Code of Ordinances relative to keeping of chickens and ducks, upon its first consideration. Community Development Director Sheetz provided a brief explanation of the proposed ordinance and responded to questions by Councilmembers Miller and deBuhr. Councilmembers Wieland and Green commented briefly.

Following comments by Councilmembers Wieland and Green, it was moved by Green and seconded by Kruse to amend the motion by referring the issue to the Committee of the Whole for further discussion. Following questions and comments by Councilmembers Blanford, Green, Kruse and Miller, the motion to amend failed 3-4, with Miller, deBuhr, Blanford and Wieland voting nay.

Following comments by Councilmembers Miller, Blanford and Kruse, it was moved by Kruse that the ordinance be amended to include a limit of 12 chickens. Motion failed for lack of a second.

Following comments by Councilmembers Green and Wieland, and response by City Administrator Gaines, the Mayor put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Darrah. Nay: deBuhr, Blanford, Wieland, Green. Motion failed.

52065 - It was moved by deBuhr and seconded by Blanford 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.

52066 - Mayor recognized Muscular Dystrophy Association (MDA) Ambassador Natalie Olson and announced future commitment to the "fill the boot" fundraiser. Mayor Brown also commented on the groundbreaking of the 'Place to Play Park' and

recognized private fundraising efforts and local grants received for the project.

52067 - It was moved by Wieland and seconded by Blanford to adjourn to Executive Session 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, Wieland, Green. Nay: None. Motion carried.

52068 - Tamie Stahl, 1009 Lakeshore Drive, expressed concerns about the proposed Park Ridge Estates development and requested a referral by City Council for discussion. City Administrator Gaines responded to questions by Councilmembers Green and Miller regarding the rezoning process.

Mike Butler, 1022 Washington Street, expressed appreciation for the Clay Street Park improvements and for approving the Gold Star monument in Veterans Park. Councilmember Wieland thanked Mr. Butler for his service.

Darren Yoder, 4204 Berry Hill Road, commented on the fire that destroyed his home at 3919 Beaver Ridge Trail, and expressed concerns with firefighters resigning and effects of the Public Safety Officer Program.

Andrea Southall, 9020 Beaver Meadows Lane, commented about fire protection and rural water supply to her neighborhood.

Public Safety Services Director Olson responded to comments about the previously mentioned residential fire and issues with the rural water supply. Olson also commented about organizational changes happening in both the Police and Fire Departments and defended public safety officers as being fully trained and professional firefighters.

The City Council adjourned to Executive Session at 8:46 P.M.

Mayor Brown reconvened the Council Meeting at 9:03 P.M. and stated that Property Acquisition had been discussed but that no further action was required at this time.

52069 - It was moved by Kruse and seconded by Miller that the meeting be adjourned at 9:04 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk