

**CITY HALL
CEDAR FALLS, IOWA, JUNE 3, 2019
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.

- 52342 - It was moved by Miller and seconded by deBuhr that the minutes of the Regular Meeting of May 20, 2019 be approved as presented and ordered of record. Motion carried unanimously.

Mayor Brown read a proclamation declaring June 2019 as Family Health and Fitness Month, and Luann Alemao and Rich Congdon commented.

- 52343 - City Clerk Danielsen announced that Item 36 was being removed from the Resolution Calendar.
- 52344 - Mayor Brown announced that in accordance with the public notice of May 24, 2019, this was the time and place for a public hearing on the proposed Agreement for Private Development and conveyance of certain city-owned real estate to Owen 5, L.L.C. 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.
- 52345 - The Mayor then asked if there were any written communications filed to the proposed agreement and conveyance. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham provided a brief explanation of the proposal. There being no one else present wishing to speak about the proposed agreement and conveyance, the Mayor declared the hearing closed and passed to the next order of business.
- 52346 - It was moved by Miller and seconded by Blanford that Resolution #21,553, approving and authorizing execution of an Agreement for Private Development and Minimum Assessment Agreement with Owen 5, L.L.C., and approving and authorizing execution of a Quit Claim Deed conveying title to certain city-owned real estate to Owen 5, 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 #21,553 duly passed and adopted.
- 52347 - It was moved by Darrah and seconded by deBuhr that Ordinance #2940, amending Chapter 2, Administration, of the Code of Ordinances relative to reorganization of City operations, 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 #2940 duly passed and adopted.

- 52348 - It was moved by Darrah and seconded by Green that Ordinance #2941, amending certain sections of the Code of Ordinances relative to the renaming of the Department of Municipal Operations and Programs to the Department of Public Works, in conjunction with the reorganization of City operations, 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 #2941 duly passed and adopted.
- 52349 - It was moved by deBuhr and seconded by Blanford that Ordinance #2942, amending Chapter 15, Nuisances and Chapter 17, Parks and Recreation, of the Code of Ordinances relative to the renaming of the Public Works and Parks Division Manager to the Operations and Maintenance Division Manager, in conjunction with the reorganization of City operations, 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 #2942 duly passed and adopted.
- 52350 - It was moved by Miller and seconded by Darrah that Ordinance #2943, amending certain sections of the Code of Ordinances to be in conformance with the Code of Iowa and consistent with current City operations, 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 #2943 duly passed and adopted.
- 52351 - It was moved by Blanford and seconded by deBuhr that Ordinance #2944, amending Chapter 2, Administration, and Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to updating terminology, in conjunction with the implementation of recommendations from the Downtown Parking Study, be passed upon its second consideration. Following comments by Councilmembers Green, Miller, Kruse and Wieland, 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.
- 52352 - It was moved by Darrah and seconded by Blanford that Ordinance #2945, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to establishing parking regulations, in conjunction with the implementation of recommendations from the Downtown Parking Study, 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.

52353 - It was moved by Kruse and seconded by Blanford 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:

- a) Kate Brennan Hall, Art & Culture Board, term ending 07/01/2023.
- b) Matthew Wilson, Art & Culture Board, term ending 07/01/2023.
- c) Lauren Finke, Art & Culture Board, term ending 07/01/2021.

Receive and file the Committee of the Whole minutes of May 20, 2019 relative to the following items:

- a) Downtown Parkade and Streetscape.
- b) Bills & Payroll.

Receive and file Departmental Monthly Reports of April 2019.

Approve the following special event related requests:

- a) Parking variances, College Hill Arts Festival, June 21-22, 2019.
- b) Street closures, Sturgis Falls Celebration, June 26-30, 2019.
- c) Parking variance, Teacher Festival, July 25, 2019.

Approve the following applications for cigarette/tobacco/nicotine/vapor permits:

- a) Bani's, 2128 College Street.
- b) Fareway Stores, 4900 South Main Street.
- c) Fareway Stores, 214 North Magnolia Drive.
- d) Murphy USA, 518 Brandilynn Boulevard.

Approve the following applications for beer permits and liquor licenses:

- a) Kwik Star, 2019 College Street, Class C beer & Class B wine - renewal.
- b) Kwik Star, 7500 Nordic Drive, Class C beer & Class B wine - renewal.
- c) Chuck E. Cheese's, 5911 University Avenue, Class B beer - renewal.
- d) Los Cabos Mexican Restaurant, 112-114 Main Street, Class C liquor & outdoor service - renewal.
- e) Montage, 222-224 Main Street, Class C liquor, Class B wine & outdoor service - renewal.
- f) The Other Place, 2214 College Street, Class C liquor - renewal.
- g) Target, 214 Viking Plaza Drive, Class E liquor - renewal.
- h) Amvets, 1934 Irving Street, Class A liquor & outdoor service - temporary expansion of outdoor service area. (June 15-16, 2019 & June 28-30, 2019)

Motion carried unanimously.

52354 - It was moved by Green and seconded by Wieland that the following resolutions be introduced and adopted:

Resolution #21,554, approving and authorizing execution of a Service Agreement with Praetorian Digital relative to Fire and EMS training.

Resolution #21,555, approving and authorizing designation of certain streets for operation of all-terrain vehicles.

Resolution #21,556, designating the dates and locations for the annual Sturgis Falls Celebration and Cedar Basin Jazz Festival Inc.

Resolution #21,557, approving and authorizing execution of a Memorandum of Understanding with the Black Hawk County Pheasants Forever & Quail Forever Chapter relative to the Youth Pollinator Habitat Project for the North Cedar Natural Reserve Project.

Resolution #21,558, approving and authorizing the expenditure of funds for the purchase of pavement sealing equipment.

Resolution #21,559, approving and accepting a Temporary Construction Easement, in conjunction with the Walnut Street Box Culvert Replacement - University Branch of Dry Run Creek Project.

Resolution #21,560, approving and accepting the contract and bond of Peterson Contractors, Inc. for the Walnut Street Box Culvert Replacement - University Branch of Dry Run Creek Project.

Resolution #21,561, approving and authorizing execution of Supplemental Agreement No. 6 to the Professional Service Agreement with Snyder & Associates, Inc. for 2019 Engineering Services relative to the Clay Street Park Water Quality Improvements Project.

Resolution #21,562, approving and authorizing Change Order No. 1 to the contract with Peterson Contractors, Inc. for the 2019 Street Construction Project.

Resolution #21,563, approving a Highway 20 Commercial Corridor Overlay Zoning District site plan for construction of a restaurant and convenience store/gas station/automobile service station to be located on Lot 2 of Gateway Business Park at Cedar Falls I.

Resolution #21,564, approving the preliminary plat of Replat of Lot 16 and Tract "B," West Viking Road Industrial Park Phase IV.

Resolution #21,565, approving the final plat of Replat of Lot 16 and Tract "B," West Viking Road Industrial Park Phase IV.

Resolution #21,566, approving and authorizing execution of Supplemental Agreement No.7 to the Professional Service Agreement with Snyder & Associates, Inc. relative to extension of 2019 Engineering Services.

Resolution #21,567, setting June 17, 2019 as the date of public hearing on the proposed rezoning from R-3, Multiple Unit Residential, to C-2, Commercial District, of property located at 2600 Grove Street.

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 #21,554 through #21,567 duly passed and adopted.

52355 - It was moved by Miller and seconded by deBuhr that Resolution #21,568, approving and adopting the City's FY20 Payroll Resolution, be adopted. Following a comment by Scott Dix, 7821 North Union Road, Janesville, 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 #21,568 duly passed and adopted.

52356 - It was moved by Blanford and seconded by Miller that Resolution #21,569, approving and adopting amendments to the City's Accounting Policies and Procedures and Purchasing Manual, be adopted.

It was then moved by Green and seconded by Blanford to amend the resolution to provide that Cedar Falls-owned businesses receive a contract if within 1% of lowest bid. Following questions by Councilmembers Miller and deBuhr, and responses by City Attorney Rogers and City Administrator Gaines, Councilmember Green withdrew his motion.

The Mayor then put the question on the original 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 #21,569 duly passed and adopted.

52357 - It was moved by Darrah and seconded by deBuhr that Resolution #21,570, approving and authorizing final acceptance of the Partial Demolition & Exterior Wall Rebuild of 4418 University Avenue, in conjunction with the University Avenue Reconstruction Project, Phase II, be adopted. Following a question by Penny Popp, 4805 South Main Street, 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 #21,570 duly passed and adopted.

52358 - It was moved by Miller and seconded by Kruse that Resolution #21,571, approving and accepting the contract and bond of Lodge Construction, Inc. for the 100 Block Alley Reconstruction Project, be adopted. Following a question by Councilmember Wieland and response by City Attorney Rogers, 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 #21,571 duly passed and adopted.

52359 - It was moved by Darrah and seconded by Blanford that Resolution #21,572, approving and authorizing execution of a Transportation Services Agreement

- with Metropolitan Transit Authority (MET) for downtown shuttle services from June 6, 2019 thru August 31, 2019, be adopted. Following questions by Councilmembers Miller and Blanford, responses by City Administrator Gaines and appreciative comments by Community Main Street Director Carol Lilly, 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 #21,572 duly passed and adopted.
- 52360 - It was moved by Green and seconded by Blanford that Resolution #21,573, approving a College Hill Neighborhood Overlay Zoning District site plan for a mixed-use development at 2119 College Street, be adopted. Following comments and questions by Councilmembers Kruse and deBuhr, response by Community Services Manager Howard, and supportive comments by College Hill Partnership Executive Director Kathryn Sogard, and Jim Kearns, 3123 Cottonwood Lane, 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 #21,573 duly passed and adopted.
- 52361 - It was moved by deBuhr and seconded by Green that Resolution #21,574, approving a Mixed Use Zoning District site plan for a residential development on Lot 2, Pinnacle Ridge First Addition, be adopted. Following comments by Councilmember Green, 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 #21,574 duly passed and adopted.
- 52362 - It was moved by Kruse and seconded by Miller that Ordinance #2946, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances to be consistent with parking regulations being established, in conjunction with the implementation of recommendations from the Downtown Parking Study, 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.
- 52363 - It was moved by deBuhr and seconded by Kruse that the bills and payroll of June 3, 2019 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.
- 52364 - It was moved by Kruse and seconded by Miller that Residential Parking Permits in all residential zoned districts in the College Hill Overlay District be referred to the Committee of the Whole. Following questions and comments by Councilmembers deBuhr, Blanford, Kruse and Green, and response by Finance & Business Operations Director Rodenbeck, Councilmember Kruse withdrew his motion.

It was moved by Green and seconded by Kruse that permitting monument mailboxes with a provision for limited City liability be referred to the Committee of the Whole. Following a question by Councilmember deBuhr and response by Councilmember Green, the motion passed 5-2 with deBuhr and Wieland voting nay.

- 52365 - Councilmember Blanford spoke about the first Downtown Visioning meeting, expressed appreciation to Public Works staff, Americore group, Rotary Club and volunteers for a recent tree planting project, and wished the Mayor a Happy Birthday on behalf of City Council.

City Attorney Rogers responded to questions and comments by Councilmembers Miller, Wieland, Darrah and Green regarding the appearance of conflicts of interest due to business relationships between Planning & Zoning Commission members and developers.

Community Services Manager Howard announced on-going Downtown Visioning activities this week at the Cedar Falls Woman's Club.

- 52366 - Jim Skaine, 2215 Clay Street, commented on Ordinance #2824 regarding the 2014 reorganization of city operations.

Penny Popp, 4805 South Main Street, commented on sustainability and announced "A Practical Backyard Tour" on June 15th.

Community Development Director Sheetz responded to concerns expressed by Mary Jane McCollum, 807 West 2nd Street, and Councilmember Blanford regarding detours and traffic calming measures during the West 1st Street reconstruction.

College Hill Partnership Executive Director Kathryn Sogard, 330 Columbia Circle, Waterloo, announced the College Hill Farmers Market on June 6th.

Cedar Falls Firefighters Local 1366 President Scott Dix, 7821 North Union Road, Janesville, read a statement expressing safety concerns with recent Public Safety Supervisor promotions. Fire Chief Bostwick, Public Safety Services Director Olson and Assistant Police Chief Berte provided clarification and responded to questions by Mayor Brown and Councilmembers Blanford, Kruse, Green and Miller.

- 52367 - It was moved by Kruse and seconded by Green that the meeting be adjourned at 8:32 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk