

**CITY HALL
CEDAR FALLS, IOWA, MAY 6, 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.

- 52296 - It was moved by Kruse and seconded by Green that the minutes of the Regular Meeting of April 15, 2019 be approved as presented and ordered of record. Motion carried unanimously.
- 52297 - It was moved by Blanford and seconded by Kruse that the minutes of the Special Meeting of April 25, 2019 be approved as presented and ordered of record. Motion carried unanimously.
- Mayor Brown read a proclamation declaring May 2019 as Cedar Falls Historic Preservation Month and recognized Historic Preservation Commission member Meredith Main in attendance at the meeting.
- Mayor Brown read a proclamation declaring May 6-11, 2019 as National Economic Development Week and recognized Grow Cedar Valley Representative Lisa Skubal in attendance at the meeting.
- Mayor Brown read a proclamation declaring May 11, 2019 as Letter Carriers' Food Drive Day and Postal Service Representative Olivia Balik commented.
- 52298 - Mayor Brown announced that in accordance with the public notice of April 19, 2019, this was the time and place for a public hearing on the proposed amendments to the City's FY19 Budget. 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.
- 52299 - The Mayor then asked if there were any written communications filed to the proposed amendments. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Controller/City Treasurer Roeding commented briefly. Larry Wyckoff, 4241 Eastpark Road, spoke in opposition to the proposed amendments. There being no one else present wishing to speak about the Budget amendments, the Mayor declared the hearing closed and passed to the next order of business.
- 52300 - It was moved by Wieland and seconded by Miller that Resolution #21,507, approving and adopting amendments to the City's FY19 Budget, be adopted. Following questions by Councilmembers Blanford and deBuhr, and responses by Controller/City Treasurer Roeding and Public Safety Services Director Olson, 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 #21,507 duly passed and adopted.
- 52301 - Mayor Brown announced that in accordance with the public notice of April 19, 2019, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Walnut Street Box Culvert Replacement - University Branch of Dry Run Creek Project. 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.
- 52302 - The Mayor then asked if there were any written communications filed to the proposed plans, etc. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Civil Engineer II Tolan provided a brief explanation of the project. There being no one else present wishing to speak about the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.
- 52303 - It was moved by deBuhr and seconded by Blanford that Resolution #21,508, approving and adopting the plans, specifications, form of contract & estimate of cost for the Walnut Street Box Culvert Replacement - University Branch of Dry Run Creek 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 #21,508 duly passed and adopted.
- 52304 - Mayor Brown announced that in accordance with the public notice of April 19, 2019, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Ridgeway Avenue Reconstruction Project - Chancellor Drive to Nordic Drive. It was then moved by Miller and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52305 - The Mayor then asked if there were any written communications filed to the proposed plans, etc. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Principal Engineer Schrage provided a brief explanation of the project. Larry Wyckoff, 4241 Eastpark Road, and Jim Skaine, 2215 Clay Street, spoke in opposition to the project. There being no one else present wishing to speak about the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.
- 52306 - It was moved by Darrah and seconded by Kruse that Resolution #21,509, approving and adopting the plans, specifications, form of contract & estimate of cost for the Ridgeway Avenue Reconstruction Project - Chancellor Drive to Nordic Drive, be adopted. Following a question by Councilmember deBuhr and response by 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 #21,509 duly passed and adopted.

- 52307 - Mayor Brown announced that in accordance with the public notice of April 19, 2019, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 100 Block Alley Reconstruction Project. It was then moved by Kruse and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52308 - The Mayor then asked if there were any written communications filed to the proposed plans, etc. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Community Development Director Sheetz provided a brief project explanation and Larry Wyckoff, 4241 Eastpark Road, commented. There being no one else present wishing to speak about the plans, etc., the Mayor declared the hearing closed and passed to the next order of business.
- 52309 - It was moved by Miller and seconded by Wieland that Resolution #21,510, approving and adopting the plans, specifications, form of contract & estimate of cost for the 100 Block Alley Reconstruction Project, be adopted. Following a question by Councilmember Green 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 #21,510 duly passed and adopted.
- 52310 - Mayor Brown announced that in accordance with the public notice of April 29, 2019, this was the time and place for a public hearing on the FY19-23 Consolidated Plan and FY19 Annual Action Plan for Community Development Block Grant & HOME Program funding. It was then moved by Wieland and seconded by Green that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52311 - The Mayor then asked if there were any written communications filed to the Plans. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Community Development Director Sheetz provided a brief explanation of the plans. There being no one else present wishing to speak about the plans, the Mayor declared the hearing closed and passed to the next order of business.
- 52312 - It was moved by Blanford and seconded by deBuhr that Resolution #21,511, approving and authorizing submission of the FY19-23 Consolidated Plan and FY19 Annual Action Plan for Community Development Block Grant & HOME Program funding, 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 #21,511 duly passed and adopted.
- 52313 - It was moved by Wieland and seconded by Darrah that Ordinance #2939, amending Chapter 26, Zoning, of the Code of Ordinances relative to the College

Hill Neighborhood (CHN) Overlay Zoning District, be passed upon its third and final consideration.

It was then moved by Kruse to table the motion until the College Hill Parking Study is completed. Motion failed for lack of second.

It was then moved by Green and seconded by Kruse to table the motion until the May 20, 2019 Council. Following questions and comments by Councilmembers Blanford, deBuhr, Green and Miller, and responses by City Administrator Gaines, City Attorney Rogers and Finance & Business Operations Director Rodenbeck, the motion to table failed 2-5 with Councilmembers Miller, deBuhr, Blanford, Darrah and Wieland voting nay.

Following additional questions and comments by Councilmembers Green, Miller, Kruse, deBuhr, Darrah and Blanford, and responses by Director Rodenbeck, the Mayor then put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Blanford, Darrah, Wieland. Nay: Kruse, Green. Motion carried. The Mayor then declared Ordinance #2939 duly passed and adopted.

52314 - It was moved by Green and seconded by Kruse that the following items and recommendations on the Consent Calendar be received, filed and approved:

Approve the recommendation of the Mayor relative to the appointment of Paul Lee to the Civil Service Commission, term ending 04/06/2020.

Receive and file the Committee of the Whole minutes of April 15, 2019 relative to the following items:

- a) Small Cell Siting.
- b) Bills & Payroll.

Receive and file Departmental Monthly Reports of March 2019.

Receive and file communications from the Civil Service Commission relative to certified lists for the following positions:

- a) Storm Water Specialist.
- b) Public Safety Supervisor - Lieutenant.
- c) Public Safety Supervisor - Captain.

Receive and file the 2018 Annual Reports of the Planning & Zoning Commission, Board of Adjustment, Historic Preservation Commission, Group Rental Committee/Board of Rental Housing Appeals, Housing Commission and Bicycle & Pedestrian Advisory Committee.

Receive and file the Bi-Annual Report of Community Main Street relative to FY19 Self-Supported Municipal Improvement District (SSMID) Funds and an FY19 Economic Development Grant.

Receive and file the Bi-Annual Report of College Hill Partnership relative to FY19 Self-Supported Municipal Improvement District (SSMID) Funds and an FY19

Economic Development Grant.

Receive and file three Reports of Compensation Commissioners and Notices of Appraisalment of Damages and Time of Appeal, in conjunction with the West 1st Street Reconstruction Project.

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

- (1) Five Corners Liquor & Wine, 809 East 18th Street.
- (2) Hansen's Dairy, 123 East 18th Street.
- (3) Happy's Wine & Spirits, 5925 University Avenue.
- (4) Hy-Vee Food Store, 6301 University Avenue.
- (5) Hy-Vee Gas, 6527 University Avenue.
- (6) Prime Mart, 2323 Main Street.
- (7) The Landmark, 107 Main Street.
- (8) Up In Smoke, 2218 College Street.
- (9) Wal-Mart, 525 Brandilynn Boulevard.
- (10) ZSAVOOZ, 206 Brandilynn Boulevard.

Approve the following applications for beer permits and liquor licenses:

- a) Tobacco Outlet Plus, 4116 University Avenue, Class C beer - renewal.
- b) NewAldaya Lifescapes, 7511 University Avenue, Class A liquor & outdoor service - renewal.
- c) Berk's Main Street Pub, 207 Main Street, Class C liquor - renewal.
- d) Walgreens, 2509 Whitetail Drive, Class E liquor - renewal.
- e) The Black Hawk Hotel/Bar Winslow/Farm Shed, 115-119 Main Street, Class B liquor & outdoor service - sidewalk café.
- f) Sturgis Falls Celebration, Island Park Beach House, Class B beer & outdoor service - 5-day permit.
- g) Sturgis Falls Celebration, Gateway Park, Special Class C liquor & outdoor service - 5-day permit.
- h) Cedar Basin Jazz Festival & Live to 9, Sturgis Park, Special Class C liquor & outdoor service - 6-month permit.
- i) Casey's General Store, 2425 Center Street, Class E liquor - new.

Following appreciation expressed by Councilmember deBuhr to Paul Lee, the motion carried unanimously.

- 52315 - It was moved by Blanford and seconded by Darrah to approve the recommendation of the Mayor relative to the appointment of Rebecca Aberle as Student Liaison, term ending 04/30/2020.

Current Northern Iowa Student Liaison Jacob Madden commented, introduced Rebecca Aberle, and requested that she take his seat upon approval. Following comments by Green and Blanford to honor the request, and expressing appreciation to Jacob Madden, the motion carried unanimously.

- 52316 - It was moved by Wieland and seconded by Kruse that the following resolutions be introduced and adopted:

Resolution #21,512, approving and authorizing execution of a Consulting

Agreement with Holmes Murphy & Associates, Inc. relative to employee benefits consulting services.

Resolution #21,513, approving and authorizing execution of an Amendment to the Employer Participation Agreement with Express Scripts, Inc. relative to auditing of pharmacy benefit management services.

Resolution #21,514, approving and authorizing the expenditure of funds for the purchase of printers and copiers.

Resolution #21,515, approving and authorizing execution of an Easement Agreement, in conjunction with a sidewalk café at 115-119 Main Street.

Resolution #21,516, approving and authorizing execution of an Agreement for Wrecker/Towing/Storage Service with L&M Transmission & Towing.

Resolution #21,517, approving and authorizing execution of an Agreement for Wrecker/Towing/Storage Service with The Rasmusson Company.

Resolution #21,518, approving and authorizing the expenditure of funds for the purchase of a grapple loader truck.

Resolution #21,519, approving and accepting the contract and bond of Benton's Sand & Gravel, Inc. for the 2019 Permeable Alley Project.

Resolution #21,520, approving and accepting a Lien Notice and Special Promissory Note for property located at 315 Franklin Street relative to the Rental to Single Family Owner Conversion Incentive Program.

Resolution #21,521, approving and authorizing execution of Supplemental Agreement No. 2 to the Professional Service Agreement with Riverwise Engineering, LLC for bathymetric survey services relative to the Cedar River Recreational Improvement Project.

Resolution #21,522, approving and authorizing execution of a Contract for Appraisal Services with Rally Appraisal relative to the 2019 Northern Cedar Falls Flood Buyout Program.

Resolution #21,523, approving and authorizing execution of an Encroachment Agreement with the North Cedar Neighborhood Association relative to placement of a neighborhood sign within the public right-of-way.

Resolution #21,524, approving the preliminary plat of Furn Subdivision.

Resolution #21,525, approving the final plat of Furn Subdivision.

Resolution #21,526, approving an S-1 Shopping Center District site plan for redevelopment of a building located at 6301 University Avenue.

Resolution #21,527, approving and authorizing execution of a Developmental

Procedures Agreement with Furn USA IA-Cedar Falls, LLC relative to property located at 6301 University Avenue.

Resolution #21,528, approving the reassignment of a Professional Service Agreement from Community ReCode, LLC to Ferrell Madden, LLC relative to the Downtown Visioning & Zoning Code Update Project.

Resolution #21,529, approving and adopting Project Priorities for the Downtown Visioning & Zoning Code Update.

Resolution #21,530, approving the proposal of Sturgis Falls Celebration, Inc. to construct a permanent stage, and waiving the variance application fee.

Resolution #21,531, approving and authorizing execution of five Memorandums of Agreement for stair reconstruction, in conjunction with the 100 Block Alley Reconstruction Project.

Resolution #21,532, approving and authorizing execution of Supplemental Agreement No. 5 with Snyder & Associates, Inc. for 2019 Engineering Services relative to the 2nd Street Reconstruction-Main to Washington and 3rd Street Reconstruction-State to Washington Projects.

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 #21,512 through #21,532 duly passed and adopted.

- 52317 - It was moved by Miller and seconded by deBuhr that Resolution #21,533, 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, be adopted.

Following a question by Councilmember Miller and response by Municipal Operations and Programs Director Ripplinger, it was moved by Miller and seconded by Darrah to amend the memorandum of understanding to reflect the project location of Police Officers Memorial Park only. Motion to amend carried unanimously.

The Mayor then put the question on the amended 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 #21,533 duly passed and adopted, as amended.

- 52318 - It was moved by Darrah and seconded by Green that Resolution #21,534, approving and accepting two Temporary Construction Easements, one Warranty Deed and one Special Warranty Deed, in conjunction with the Ridgeway Avenue Reconstruction Project, be adopted.

Following clarification by City Attorney Rogers stating that acceptance of the

Special Warranty Deed is contingent upon the current tenant of the property (Mills Properties, LLC) also conveying or transferring to the City, its leasehold interest in the parcel being conveyed in fee by VEREIT Real Estate, LP, at no cost to the City, it was then moved by Kruse and seconded by deBuhr to amend the motion. Motion carried unanimously.

The Mayor then put the question on the amended 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 #21,534 duly passed and adopted, as amended.

- 52319 - It was moved by Darrah and seconded by Miller that Resolution #21,535, approving and authorizing execution of a contract with the Cedar Falls Woman's Club for use of their facility for a charrette relative to the Downtown Visioning & Zoning Code Update, be adopted. Following a question by Councilmember Green and response by Community Services Manager Howard, 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 #21,535 duly passed and adopted.
- 52320 - It was moved by Darrah and seconded by Miller that Ordinance #2940, amending Chapter 2, Administration, of the Code of Ordinances relative to the reorganization of City operations, 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.
- 52321 - It was moved by Green and seconded by Kruse 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 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.
- 52322 - It was moved by Kruse 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 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.
- 52323 - It was moved by Darrah and seconded by Kruse 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, upon its first consideration, 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.

52324 - It was moved by deBuhr and seconded by Miller that the bills and payroll of May 6, 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.

52325 - Councilmember Blanford expressed appreciation to the volunteers who participated in the Downtown cleanup efforts earlier in the day.

Councilmember Darrah announced the Human Rights Commission Annual Retreat on May 14, 2019 at the Cedar Falls Public Library.

Community Services Director Sheetz announced the public meeting for the Parkade Brick Design on May 7, 2019 from 5-6:30 P.M., and also announced that the City would be receiving Engineering Awards for the University Avenue Reconstruction and Dry Run Creek Sanitary Sewer Projects.

Finance & Business Operations Director Rodenbeck announced the College Hill Parking Study public workshop on May 13, 2019 from 6-8 P.M. at the University of Northern Iowa Center for Energy and Environmental Education.

Public Safety Services Director Olson commented and presented a video to illustrate the early response benefits of public safety officers and the teamwork between public safety officers and firefighters.

52326 - It was moved by Kruse and seconded by Green to adjourn to Executive Session to discuss Legal Matters per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation, and 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.

52327 - Mayor Brown and City Attorney Rogers responded to comments by Jim Skaine, 2215 Clay Street, regarding Robert's Rules of Order.

City Administrator Gaines responded to questions and comments by Councilmembers Green, Blanford, Darrah and Weiland, and concerns expressed

by the following citizens regarding traffic safety issues in the neighborhood since the new Aldrich Elementary School opened.

Jacque Preston, 2228 Erik Road
Ryan Pence, 5420 Ironwood Drive
Erik Fuessel, 2425 Erik Road
Rachel Wallace, 5205 Ironwood Drive

Finance & Business Operations Director Rodenbeck, City Administrator Gaines and Public Safety Services Director Olson responded to questions and comments by Councilmembers Miller and Blanford, and the following citizens regarding the public safety budget and model for staffing and overtime.

Whitney Smith, 2904 Neola Street
Darren Yoder, 3919 Beaver Ridge Trail
Sharon Regenold, 108 Lilliput Lane
Simon Harding, 2238 Sunnyside Circle

The City Council adjourned to Executive Session at 9:13 P.M.

Mayor Brown reconvened the City Council meeting at 9:27 P.M. and stated that Legal Matters and Property Acquisition had been discussed but that no further action was required at this time.

52328 - It was moved by Miller and seconded by Green that the meeting be adjourned at 9:28 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk