

**CITY HALL
CEDAR FALLS, IOWA, FEBRUARY 18, 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.

- 52186 - It was moved by Kruse and seconded by deBuhr that the minutes of the Regular Meeting of February 4, 2019 be approved as presented and ordered of record. Motion carried unanimously.

- 52187 - 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 2018 Sidewalk Assessment Project, Zone 9. The Mayor then called for oral comments. There being no one present wishing to speak about the proposed assessments, the Mayor declared the hearing closed and passed to the next order of business.

- 52188 - It was moved by Wieland and seconded by Miller that Resolution #21,424, adopting and levying the final schedule of assessments for the 2018 Sidewalk Assessment Project, Zone 9, be adopted. Following a comment by Councilmember Green, question by Councilmember Blanford 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 #21,424 duly passed and adopted.

- 52189 - Mayor Brown announced that in accordance with the public notice of February 6, 2019, this was the time and place for a public hearing on the proposed FY20 Budget for the City of Cedar Falls. 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.

- 52190 - The Mayor then asked if there were any written communications filed to the proposed Budget. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Finance & Business Operations Director Rodenbeck commented briefly. There being no one else present wishing to speak about the proposed Budget, the Mayor declared the hearing closed and passed to the next order of business.

- 52191 - It was moved by Green and seconded by Wieland that Resolution #21,425, approving and adopting the FY20 Budget for the City of Cedar Falls, be adopted. Following questions by Councilmember Blanford, responses by Finance & Business Operations Director Rodenbeck and appreciative comments by Councilmember 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 #21,425 duly passed and adopted.

- 52192 - Mayor Brown announced that in accordance with the public notice of February 1, 2019, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the Walnut Street Box Culvert Replacement - University Branch of Dry Run Creek Project and to authorize acquisition of private property for said project. It was then moved by Miller and seconded by Blanford that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52193 - The Mayor then asked if there were any written communications filed to the proposed public improvement and property acquisition. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. There being no one present wishing to speak about the proposed public improvement and property acquisition, the Mayor declared the hearing closed and passed to the next order of business.
- 52194 - It was moved by Blanford and seconded by Green that Resolution #21,426, approving a public improvement for the Walnut Street Box Culvert Replacement - University Branch of Dry Run Creek Project and authorizing acquisition of private property for said project, be adopted. Following a request by Councilmember Wieland for a brief explanation of the project and response by Principal Engineer Schrage, 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 #21,426 duly passed and adopted.
- 52195 - Mayor Brown announced that in accordance with the public notice of February 8, 2019, this was the time and place for a public hearing on proposed amendments to Chapter 29, Zoning, of the Code of Ordinances relative to the College Hill Neighborhood Overlay Zoning District. It was then moved by Wieland and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52196 - The Mayor then asked if there were any written communications filed to the proposed amendments. Upon being advised that there were two written communications on file, the Mayor then called for oral comments. Community Services Manager Howard provided a brief explanation.

The following individuals spoke in opposition to the proposed amendments:

Jerry Geisler, 4412 South Hudson Road
Eashaan Vajpeyi, 3831 Convair Lane

Following a question by Councilmember deBuhr and response by Jerry Geisler, 4412 South Hudson Road, Councilmembers voted unanimously to allow extended discussion with Jerry Geisler, 4412 South Hudson Road.

The following individuals spoke in support of the proposed amendments:

Kathryn Sogard, College Hill Partnership Executive Director
Chris Martin, 421 West Seerley Boulevard
Dave Deibler, 1616 Campus Street
Becky Hawbaker, 2309 Iowa Street
Kyle Dehmlow, 2113 Vera Way

Northern Iowa Student Liaison Jacob Madden spoke in support of policies that would improve parking in the College Hill area.

There being no one else present wishing to speak about the proposed amendments, the Mayor declared the hearing closed and passed to the next order of business.

- 52197 - It was moved by Green and seconded by Wieland that Ordinance #2936, amending Chapter 29, Zoning, of the Code of Ordinances relative to the College Hill Neighborhood Overlay Zoning District, be passed upon its first consideration. Following questions and comments by Councilmembers Blanford, deBuhr, Wieland and Green, and responses by Community Services Manager Howard and City Administrator Gaines, the City Council voted unanimously to allow WGI parking study consultant Andy Miller to respond to questions by Councilmembers Kruse and Blanford.

It was then moved by Kruse and seconded by deBuhr to table consideration of the ordinance until completion of the college hill parking study. Following comments by Councilmember Darrah, the motion to table failed 2-5, with Miller, Blanford, Darrah, Wieland and Green voting nay.

It was then moved by deBuhr and seconded by Kruse to amend the parking ratio in the ordinance from 1 to 1.5 stalls for one bedroom and studio units. Following questions and comments by Councilmembers Kruse, Blanford, Miller, Green and Darrah and responses by Community Services Manager Howard, the motion to amend failed 2-5, with Miller, Blanford, Darrah, Wieland and Green voting nay.

It was then moved by Miller and seconded by Green to amend the parking ratio of one stall for one bedroom and studio units to apply to C-3 zoning only. Following questions and comments by Councilmembers Wieland, Kruse, Blanford, deBuhr and Green, and responses by Community Services Manager Howard, the motion to amend failed 2-5, with deBuhr, Kruse, Darrah, Wieland and Green voting nay.

The Mayor then put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Blanford, Darrah, Wieland, Green. Nay: deBuhr and Kruse. Motion carried.

- 52198 - It was moved by Darrah and seconded by Blanford that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file the following resignations:

- a) Karen Morlan, Housing Commission.
- b) Todd Blanford, Human Rights Commission.

Receive and file the Committee of the Whole minutes of February 4, 2019 relative to the following items:

- a) FY20 Budget.
- b) Bills & Payroll.

Receive and file the City Council Work Session minutes of February 4, 2019.

Approve the application of Buzz-Smoke & Vapor, 2125 College Street, for a cigarette/tobacco/nicotine/vapor permit.

Approve the following applications for beer permits and liquor licenses:

- a) Asian Fusion Vietnamese and Thai Cuisine, 5725 University Avenue, Special Class C liquor - renewal.
- b) College Square Cinema, 6301 University Avenue, Special Class C liquor - renewal.
- c) Chad's Pizza and Restaurant, 909 West 23rd Street, Class C liquor & outdoor service - renewal.
- d) Sakura Japanese Steakhouse & Sushi Bar, 5719 University Avenue, Class C liquor - renewal.
- e) The Hydrant Firehouse Grill, 2002 College Street, Class C liquor - renewal.
- f) Thunder Ridge Ampride, 2425 Whitetail Drive, Class E liquor - renewal.
- g) Kwik Star, 2019 College Street, Class C beer & Class B wine - change in ownership.
- h) Kwik Star, 7500 Nordic Drive, Class C beer & Class B wine - change in ownership.
- i) Tobacco Outlet Plus, 4116 University Avenue, Class C beer - change in ownership.

Motion carried unanimously.

- 52199 - It was moved by Miller and seconded by Green that the following resolutions be introduced and adopted:

Resolution #21,427, approving and authorizing execution of a Form of Contract with Miller Fence & Flag Co. for a security fence and gates for the Public Safety Facility.

Resolution #21,428, approving and authorizing execution of an Asphalt Crushing Services Informal Project Contract with Peterson Contractors, Inc.

Resolution #21,429, approving and authorizing execution of a Professional Service Agreement with Snyder & Associates, Inc. relative to the Oak Park Boulevard Sewer Replacement Project.

Resolution #21,430, approving and accepting the contract and bond of Peters Construction Corporation for the Place to Play Playground Project.

Resolution #21,431, approving and accepting the contract and bond of Peterson Contractors, Inc. for the 2019 Street Construction Project.

Resolution #21,432, approving and authorizing execution of Supplemental Agreement No. 3 with Snyder & Associates, Inc. relative to 2019 Engineering Services.

Resolution #21,433, approving and authorizing execution of one Owner Purchase Agreement and two Tenant Purchase Agreements, and approving and accepting one Public Utility Easement and one Owner's Temporary Easement for Construction, in conjunction with the West 1st Street Reconstruction Project.

Resolution #21,434, approving and authorizing submission of the Iowa Certified Local Government (CLG) 2018 Annual Report of the Historic Preservation Commission to the State Historical Society of Iowa.

Resolution #21,435, approving and authorizing execution of a Professional Service Agreement with Community ReCode, LLC relative to the Downtown Visioning & Zoning Code Update 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 #21,427 through #21,435 duly passed and adopted.

52200 - It was moved by Miller and seconded by Darrah that Resolution #21,436, approving and authorizing execution of a Second Amendment to Lease with Sartori Memorial Hospital, Inc. and Wheaton Franciscan Healthcare-Iowa, Inc., formerly known as Covenant Health System, Inc., allowing a name change from Sartori Memorial Hospital to MercyOne Cedar Falls Medical Center, be adopted. Following comments by Councilmember Green, Rosemary Beach, 5018 Sage Road, Roger White, 2303 Greenwood Avenue, Jack Dusenbery, President of Sartori Hospital (MercyOne) and Dave Deaver, 2441 Hawthorne Drive, 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 #21,436 duly passed and adopted.

52201 - It was moved by Miller and seconded by Kruse that Resolution #21,437, approving and authorizing a Joint Project Agreement with the City of Waterloo relative to reconstruction of the University Avenue & Midway Drive intersection, be adopted. Following questions by Councilmember deBuhr and responses 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 #21,437 duly passed and adopted.

52202 - It was moved by Kruse and seconded by Green that the bills and payroll of February 18, 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.

52203 - Councilmember Darrah expressed appreciation for the snow removal efforts of the Public Works staff.

Public Works and Parks Manager Heath provided a brief explanation of snow removal procedures, responded to questions by Councilmembers Kruse and Wieland, and also recognized his staff for their snow removal efforts.

Mayor Brown announced the Black Hawk County Gaming Commission's approval of grant funding for Phase I of the Streetscape project.

52204 - Jeff Johnson, 923 West 1st Street, expressed concerns with Department of Transportation plowing practices and future impacts on his property.

Penny Popp, 4805 South Main Street, commented on the number of firefighters resigning and requested a five-year plan for the Public Safety Officer program.

Eashaan Vajpeyi, 3831 Convair Lane, commented about action taken on the ordinance affecting the College Hill Neighborhood Overlay Zoning District.

52205 - It was moved by Kruse and seconded by Darrah that the meeting be adjourned at 9:13 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk