

**CITY HALL
CEDAR FALLS, IOWA, APRIL 15, 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 (via phone), Blanford, Darrah, Wieland, Green. Absent: None.

- 52273 - It was moved by Miller and seconded by Wieland that the minutes of the Regular Meeting of April 1, 2019 be approved as presented and ordered of record. Motion carried unanimously.

Mayor Brown read a proclamation declaring April 25-28, 2019 as YWCA Stand Against Racism Weekend. YWCA of Black Hawk County Executive Director Lucinda Mohr commented.

Mayor Brown read a proclamation declaring April 21-27, 2019 as Administrative Professional's Week and April 24, 2019 as Administrative Professional's Day.

Mayor Brown read a proclamation declaring May 2019 as Bike Month; May 8, 2019 as Bike to School Day; May 13-17, 2019 as Bike to Work Week; May 15, 2019 as Ride of Silence Day; and May 17, 2019 as Bike to Work Day. Bicycle and Pedestrian Advisory Committee member Andrew Shroll commented.

The Mayor then recognized the Cedar Falls High School Rocket Club and 2019 State Basketball Champions.

- 52274 - City Clerk Danielsen announced that Item 8 on the Consent Calendar would be received and filed only, and that Item 16 on the Resolution Calendar was being removed by staff.
- 52275 - Mayor Brown announced that in accordance with the public notice of April 5, 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 Zuidberg NA, L.L.C. It was then moved by Darrah and seconded by Green that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52276 - 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. Planner II Graham gave a brief explanation of the proposal. Jim Skaine, 2215 Clay Street, expressed concerns with the proposal, and Grow Cedar Valley representative Lisa Skubal and Zuidberg NA, L.L.C. President Ryan Holden, spoke in support of the proposed Agreement and conveyance. There being no one else present wishing to speak about the Agreement and conveyance, the Mayor declared the hearing closed and passed to the next order of business.

52277 - It was moved by Blanford and seconded by deBuhr that Resolution #21,483, approving and authorizing execution of an Agreement for Private Development and a Minimum Assessment Agreement with Zuidberg NA, L.L.C., and approving and authorizing execution of a Quit Claim Deed conveying title to certain real estate to Zuidberg NA, L.L.C., be adopted. Following a comment by Councilmember deBuhr, 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 #21,483 duly passed and adopted.

52278 - It was moved by Wieland and seconded by deBuhr that Ordinance #2938, amending Section 26-118 (formerly 29-107) of the Code of Ordinances by removing property located at the southeast corner of West 12th Street and Union Road from the A-1, Agricultural District, and placing the same in the RP, Planned Residence 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 #2938 duly passed and adopted.

52279 - It was moved by Wieland and seconded by Miller 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 second consideration.

It was then moved by Kruse and seconded by Green to amend the motion to remove language within 26-181(5)(a)(6) that states "For mixed-use buildings constructed prior to January 1, 2019, parking is not required for existing dwelling units." Following questions by Councilmembers deBuhr and Green, and responses by City Attorney Rogers, Community Development Director Sheetz and Community Services Manager Howard, the motion to amend failed 6-1 with Councilmembers Miller, deBuhr, Blanford, Darrah, Wieland and Green voting nay.

Following additional comments by Councilmember Green, 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.

52280 - It was moved by deBuhr and seconded by Miller 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) MaryJane McCollum, Board of Rental Housing Appeals, term ending 05/01/2023.
- b) Bruce Wingert, Board of Rental Housing Appeals, term ending 05/01/2023.

Receive and file a communication from the Civil Service Commission relative to a

certified list for the position of Public Safety Officer.

Approve the following special event related requests:

- a) Street closures, Shamrock Shuffle, April 27, 2019.
- b) Street closures, UNI Triathlon, April 28, 2019.
- c) Parking variance, Washington Street (Annual Friends of MercyOne Cedar Falls May Breakfast), May 14, 2019.
- d) Street closures, Iowa Shrine Bowl Parade, July 20, 2019.
- e) Street closures, College Hill Farmers Market, June 6, July 11, August 1, September 5 & October 3, 2019.

Approve the following applications for beer permits and liquor licenses:

- a) Hy-Vee Clubroom, 6301 University Avenue, Special Class C liquor - renewal.
- b) Jorgensen Plaza (Table 1912, Diamond Event Center and Gilmore's Pub), 5307 Caraway Lane, Class C liquor, Class B wine & outdoor service - renewal.
- c) Mary Lou's Bar & Grill, 2719 Center Street, Class C liquor - renewal.
- d) The Horny Toad American Bar & Grille, 204 Main Street, Class C liquor - renewal.
- e) ZSAVOOZ, 206 Brandilynn Boulevard, Class C liquor & outdoor service - renewal.
- f) CVS/Pharmacy, 2302 West 1st Street, Class E liquor - renewal.
- g) Prime Mart, 2728 Center Street, Class E liquor - renewal.

Motion carried unanimously.

- 52281 - It was moved by Green and seconded by Darrah to receive and file the Committee of the Whole minutes of April 1, 2019 relative to the following items:
- a) Sustainability.
 - b) Bills & Payroll.

Following comments by Jim Skaine, 2215 Clay Street, Councilmember Miller raised point of order, and the motion carried unanimously.

- 52282 - It was moved by Darrah and seconded by Miller to receive and file the City Council Work Session minutes of April 1, 2019. Following comments by Jim Skaine, 2215 Clay Street, the Mayor announced a short recess from 7:33 P.M. to 7:36 P.M. Upon reconvening, the motion carried unanimously.

- 52283 - It was moved by Blanford and seconded by Darrah to approve a request by Winnebago Boy Scouts of America for a permit to operate a Daisy BB Gun Range at Pheasant Ridge Golf Course, 3205 West 12th Street, on May 23, 2019. Following comments by Boy Scout Representative Whitney Jensen, 512 College Street, the motion carried unanimously.

- 52284 - It was moved by Wieland and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #21,484, approving and authorizing execution of a lease relative to property vacated by the 2008 flood buyout programs.

Resolution #21,485, approving and authorizing execution of a contract with Laser Line Striping relative to 2019 pavement marking services.

Resolution #21,486, approving and authorizing execution of four Owner Purchase Agreements, and approving and accepting two Permanent Drainage Easements and two Temporary Construction Easements, in conjunction with the Walnut Street Box Culvert Project.

Resolution #21,487, approving and authorizing execution of two Owner Purchase Agreements, in conjunction with the Ridgeway Avenue Reconstruction Project - Chancellor Drive to Nordic Drive.

Resolution #21,488, receiving and filing the bids, and approving and accepting the low bid of Benton's Sand & Gravel, Inc., in the amount of \$202,362.40, for the 2019 Permeable Alley Project.

Resolution #21,489, approving and authorizing execution of a Developmental Procedures Agreement with BJW Holdings, LLC relative to storm sewer oversizing for Park Ridge Estates Subdivision.

Resolution #21,490, approving and authorizing execution of a Professional Service Agreement with Snyder & Associates, Inc. relative to the Cedar Heights Drive Reconstruction Project.

Resolution #21,491, approving and accepting a Lien Notice and Special Promissory Note for property located at 1026 West 8th Street relative to the Rental to Single Family Owner Conversion Incentive Program.

Resolution #21,492, approving and authorizing submission of a Certified Local Government National Register Nomination of the Cedar Falls Wild Historic District, as recommended by the Historic Preservation Commission.

Resolution #21,493, approving a College Hill Neighborhood Overlay Zoning District site plan for façade improvements at 2020 College Street.

Resolution #21,494, approving a College Hill Neighborhood Overlay Zoning District site plan for façade improvements at 2125 College Street.

Resolution #21,495, approving a Central Business District Overlay Zoning District site plan for a commercial/residential mixed use redevelopment at 302 Main Street and 123 East 3rd Street/305 State Street, as recommended by the Planning & Zoning Commission.

Resolution #21,496, approving and authorizing execution of a Service Agreement with Farmers State Bank relative to drawdowns of Community Development Block Grant (CDBG) funds.

Resolution #21,497, approving and authorizing reimbursements and cancellation of one assessment relative to the 2018 Sidewalk Assessment Project, Zone 9, in conjunction with the 2019 Street Construction Project.

Resolution #21,498, approving and adopting Small Cell Design Guidelines for the City of Cedar Falls.

Resolution #21,499, approving and adopting a Small Wireless Facility Fee Schedule.

Resolution #21,500, receiving and filing, and setting May 6, 2019 as the date of public hearing on, the proposed plans, specifications, form of contract & estimate of cost for the 100 Block Alley Reconstruction Project.

Resolution #21,501, receiving and filing, and setting May 6, 2019 as the date of 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.

Resolution #21,502, receiving and filing, and setting May 6, 2019 as the date of public hearing on, the proposed plans, specifications, form of contract & estimate of cost for the Ridgeway Avenue Reconstruction Project - Chancellor Drive to Nordic Drive.

Resolution #21,503, setting May 6, 2019 as the date of public hearing on amendments to the City's FY19 Budget.

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 #21,484 through #21,503 duly passed and adopted.

- 52285 - It was moved by Darrah and seconded by Wieland that Resolution #21,504, approving and authorizing execution of a Marco Relationship Agreement with Marco Technologies, LLC relative to a new phone system, be adopted. Following a comment by Councilmember Green and explanation by Finance & 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 #21,504 duly passed and adopted.
- 52286 - It was moved by Blanford and seconded by Green that the bills and payroll of April 15, 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.
- 52287 - It was moved by Darrah and seconded by Blanford to refer to the Committee of the Whole a request to amend Ordinance 19-47(e) regarding monument mailboxes. Following a question by Councilmember Green and response by Community Services Director Sheetz, the motion carried 6-1 with Councilmember

deBuhr voting nay.

52288 - Mayor Brown announced City Hall being closed on April 19, 2019.

Public Safety Services Director Olson announced that the new cameras and lighting for College Hill and Downtown had arrived and that installation would begin in a couple weeks.

Community Services Director Sheetz announced that additional information from the April 2, 2019 Downtown Visioning meeting and stakeholder meetings is available at www.ourcedarfalls.com.

Finance & Business Operations Director Rodenbeck announced a College Hill Parking Study public meeting on April 23, 2019 from 6-8 P.M. at the University of Northern Iowa Center for Energy and Environmental Education.

52289 - It was moved by Blanford and seconded by Green to adjourn to Executive Session to 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.

52290 - Penny Popp, 4805 South Main Street, announced the SnapShot Water Quality Monitoring event on April 27, 2019 from 9-11:30 A.M.

Doctor Brian Sires, 1939 College Street, expressed appreciation for the City process to amend the parking requirements, and cautioned parking partnerships with the University of Northern Iowa.

Councilmember Wieland commented on purchasing policies.

The City Council adjourned to Executive Session at 7:57 P.M.

Mayor Brown reconvened the City Council meeting at 8:19 P.M. and stated that Property Acquisition had been discussed but that no further action was required at this time.

52291 - It was moved by Darrah and seconded by Green that the meeting be adjourned at 8:20 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk