

**CITY HALL
CEDAR FALLS, IOWA, JULY 1, 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. Absent: Green.

- 52386 - It was moved by Kruse and seconded by Blanford that the minutes of the Regular Meeting of June 17, 2019 be approved as presented and ordered of record. Motion carried unanimously.

- 52387 - Mayor Brown announced that in accordance with the public notice of June 21, 2019, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the Cyber Lane-2018 Street Construction Project and to authorize acquisition of private property for said project. 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.

- 52388 - The Mayor then asked if there were any written communications filed to the proposed public improvement project. 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 overview of the proposed project. Following a question by Jim Skaine, 2215 Clay Street, and comment by Atul Patel, 307 Winding Ridge Road, the Mayor declared the hearing closed and passed to the next order of business.

- 52389 - It was moved by Kruse and seconded by deBuhr that Resolution #21,595, approving a public improvement for the Cyber Lane-2018 Street Construction Project and authorizing acquisition of private property for said project, be adopted. Following questions by Councilmembers Darrah and Miller, and Mayor Brown, 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. Nay: None. Motion carried. The Mayor then declared Resolution #21,595 duly passed and adopted.

- 52390 - Mayor Brown announced that in accordance with the public notice of June 21, 2019, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the South Main Street Parking Lot Project. It was then moved by deBuhr and seconded by Wieland that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 52391 - 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. Public Works Director Schrage provided a brief explanation of the proposed 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.

- 52392 - It was moved by Wieland and seconded by Kruse that Resolution #21,596, approving and adopting the plans, specifications, form of contract & estimate of cost for the South Main Street Parking Lot Project, be adopted. Following questions by Councilmembers Miller and Darrah, and responses by Mayor Brown and Public Works Director 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. Nay: None. Motion carried. The Mayor then declared Resolution #21,596 duly passed and adopted.
- 52393 - Mayor Brown announced that in accordance with the public notice of June 21, 2019, this was the time and place for a public hearing on a proposed Agreement for Private Development and conveyance of certain city-owned real estate to Tjaden Properties, L.L.C. 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.
- 52394 - 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. Economic Development Coordinator Graham provided a brief explanation of the proposed Agreement. Following comments by Jim Skaine, 2215 Clay Street, and Brett Tjaden, 4127 Maryhill Drive, the Mayor declared the hearing closed and passed to the next order of business.
- 52395 - It was moved by Blanford and seconded by Kruse that Resolution #21,597, approving and authorizing execution of an Agreement for Private Development and a Minimum Assessment Agreement with Tjaden Properties, L.L.C., and approving and authorizing execution of a Quit Claim Deed conveying title to certain real estate to Tjaden Properties, L.L.C., be adopted. Following a question by Councilmember deBuhr and response by Economic Development Coordinator Graham, 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. Nay: None. Motion carried. The Mayor then declared Resolution #21,597 duly passed and adopted.
- 52396 - 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 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. Nay: None. Motion carried. The Mayor then declared Ordinance #2946 duly passed and adopted.
- 52397 - It was moved by Kruse and seconded by Darrah that Ordinance #2947, amending Section 26-118 of the Code of Ordinances by removing property located at 2600 Grove Street from the R-3, Multiple Residence District, and

placing the same in the C-2, Commercial District, 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. Nay: None. Motion carried.

- 52398 - It was moved by Blanford and seconded by Wieland that Ordinance #2948, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking on portions of Panther Lane, be passed upon its second consideration.

Following a comment by Councilmember deBuhr, it was moved by deBuhr and seconded by Wieland that the rules requiring Ordinance #2948 to be considered at three separate meetings, be suspended. The Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Darrah, Wieland. Nay: None. Motion carried.

It was then moved by deBuhr and seconded by Darrah that Ordinance #2948, 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. Nay: None. Motion carried. The Mayor then declared Ordinance #2948 duly passed and adopted.

- 52399 - It was moved by Kruse and seconded by deBuhr 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) Teri Lynn Jorgensen, Human Rights Commission, term ending 07/01/2022.
- b) David Glenn-Burns, Metropolitan Bus Board, term ending 06/30/2022.

Receive and file the Committee of the Whole minutes of June 17, 2019 relative to the following items:

- a) Sustainability.
- b) Cash Management Report.
- c) Bills & Payroll.

Receive and file a communication from the Civil Service Commission relative to a certified list for the position of Public Safety Officer.

Receive and file Departmental Monthly Reports of May 2019.

Approve the following special event related requests:

- a) Street closure, Abraham Drive, July 4, 2019.
- b) Accel Triathlon, July 27, 2019.

Approve the following applications for liquor licenses:

- a) Amvets, 1934 Irving Street, Class A liquor & outdoor service - renewal.
- b) Amvets, 1934 Irving Street, Class A liquor & outdoor service - temporary expansion of outdoor service area. (July 12-14, 2019)

Motion carried unanimously.

52400 - It was moved by Kruse and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #21,598, approving and authorizing execution of a Two Party Claim Service Agreement with EMC Risk Services, LLC relative to claims adjusting and administration services for the City.

Resolution #21,599, approving and authorizing execution of one Owner Purchase Agreement, and approving and accepting one Owner's Temporary Easement for Construction, in conjunction with the West 1st Street Reconstruction Project.

Resolution #21,600, approving and accepting one Permanent Drainage Easement and one Temporary Construction Easement, in conjunction with the Walnut Street Box Culvert Replacement - University Branch of Dry Run Creek Project.

Resolution #21,601, approving and authorizing execution of an Agreement to Support Economic Development Program of Cedar Falls Community Main Street relative to an FY20 Economic Development Grant.

Resolution #21,602, approving and authorizing execution of an Agreement to Support Economic Development Program of Cedar Falls Community Main Street relative to FY20 Self-Supported Municipal Improvement District (SSMID) Funds.

Resolution #21,603, approving and authorizing execution of an FY20 Façade Improvement Fund Agreement with Cedar Falls Community Main Street.

Resolution #21,604, approving and authorizing execution of an Agreement in Support of the College Hill Partnership relative to an FY20 Economic Development Grant.

Resolution #21,605, approving and authorizing execution of an Agreement to Support Economic Development Program of the College Hill Partnership relative to FY20 Self-Supported Municipal Improvement District (SSMID) Funds.

Resolution #21,606, approving and authorizing execution of an FY20 Façade Improvement Fund Agreement with College Hill Partnership.

Resolution #21,607, approving and authorizing execution of an Agreement to Support "Fulfilling the Vision" Campaign for Economic Vitality of Grow Cedar Valley relative to an FY20 Economic Development Grant.

Resolution #21,608, approving and accepting a Lien Notice and Special Promissory Note for property located at 2322 Clay Street relative to the Rental to Single Family Owner Conversion Incentive Program.

Resolution #21,609, approving submission of an application through the Iowa Homeland Security and Emergency Management Division (HSMED) to the

Federal Emergency Management Agency (FEMA) for funding from the Hazard Mitigation Grant Program, and authorizing the local match for the Northern Cedar Falls Flood Buyout Program.

Resolution #21,610, receiving and filing, and setting July 15, 2019 as the date of public hearing on, the proposed plans, specifications, form of contract & estimate of cost for the 2019 Bridge Maintenance 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. Nay: None. Motion carried. The Mayor then declared Resolutions #21,598 through #21,610 duly passed and adopted.

- 52401 - It was moved by Kruse and seconded by deBuhr that Ordinance #2949, amending certain sections of the Code of Ordinances relative to establishing regulations for events on public property, 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. Nay: None. Motion carried.
- 52402 - It was moved by Kruse and seconded by Darrah that the bills and payroll of July 1, 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. Nay: None. Motion carried.
- 52403 - Public Safety Services Director Olson provided a reminder about the fireworks ordinance in Cedar Falls.
- Community Development Director Sheetz announced that the City has met state and federal requirements and is in the final stages of completing the 2019-2024 NPDES permit for the water reclamation facility.
- 52404 - Public Safety Services Director Olson responded to concerns expressed by Russ Reeves, 430 Balboa Avenue, and questions by Mayor Brown and Councilmember Kruse regarding the level of noise caused by engine braking on Greenhill Road and Highway 58.
- Councilmember Blanford responded to comments by Jim Skaine, 2215 Clay Street, regarding unanimous Council votes.
- 52405 - It was moved by Kruse and seconded by Miller that the meeting be adjourned at 7:43 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk