

**CITY HALL  
CEDAR FALLS, IOWA, FEBRUARY 5, 2018  
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.

- 51709 - It was moved by Darrah and seconded by Kruse that the minutes of the Regular Meeting of January 15, 2018 be approved as presented and ordered of record. Motion carried unanimously.
  
- 51710 - Public Safety Services Director Olson provided an introduction and Mayor Brown proceeded with the Administration of Oath to new Public Safety Officers Admir Babic, Adam Hancock, Kevin Hernandez and Nolan Young.
  
- 51711 - Mayor Brown announced that in accordance with the public notice of January 19, 2018, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2018 Street Construction Project. It was then moved by Blanford and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
  
- 51712 - The Mayor then asked if there were any written objections filed to the proposed plans, etc. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Engineer Resler provided a brief summary of the project and Dr. Michael Crall, 412 Chateau Court commented about grading issues. There being no one else present wishing to speak either for or against the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.
  
- 51713 - It was moved by Miller and seconded by Green that Resolution #20,926, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2018 Street Construction 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 #20,926 duly passed and adopted.
  
- 51714 - Mayor Brown announced that in accordance with the public notice of January 19, 2018, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the West 1st Street Reconstruction Project and to authorize acquisition of private property for said project. It was then moved by deBuhr and seconded by Blanford that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
  
- 51715 - The Mayor then asked if there were any written objections filed to the proposed undertaking. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Planner III Sturch provided a brief

summary of the project, and Roger White, 2303 Greenwood Avenue, and Jeff Johnson, 923 West 1st Street, commented. There being no one else present wishing to speak either for or against the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.

51716 - It was moved by Wieland and seconded by Kruse that Resolution #20,927, approving a public improvement for the West 1st Street Reconstruction Project and authorizing acquisition of private property for said project, be adopted. Following a question by Councilmember Darrah and response by City Planner III Sturch, 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 #20,927 duly passed and adopted.

51717 - It was moved by Darrah and seconded by Miller that Ordinance #2917, amending Chapter 26, Traffic and Motor Vehicles, of the Code of Ordinances relative to changing the speed limit on University Avenue from Hudson Road to the east city limits from 45 miles per hour to 35 miles per hour, 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.

51718 - It was moved by Green and seconded by deBuhr that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file the resignation of Paul Gray as a member of the Library Board of Trustees.

Approve the recommendation of the Mayor relative to the appointment of Kim Kranz to the Board of Rental Housing Appeals, term ending 05/01/2018.

Receive and file the Committee of the Whole minutes of January 15, 2018 relative to the following items:

- (1) Capital Improvements Program (CIP) – Joint Meeting with Planning & Zoning Commission.
- (2) Bills & Payroll.

Receive and file a communication from the Civil Service Commission relative to a certified list for the position of Traffic Operations Supervisor.

Receive and file Departmental Monthly Reports of December 2017.

Receive and file the 2017 Annual Reports of the Planning & Zoning Commission, Board of Adjustment, Historic Preservation Commission, Group Rental Committee/Board of Rental Housing Appeals, and the Bicycle & Pedestrian Advisory Committee.

Approve the following applications for beer permits and liquor licenses:

- (1) Hy-Vee Gas, 6527 University Avenue, Class C beer - renewal.

- (2) AmericInn Lodge and Suites, 5818 Nordic Drive, Class B beer - renewal.
- (3) Second State Brewing Company, 203 State Street, Class B beer - renewal.
- (4) Cottonwood Canyon, 419 Washington Street, Special Class C liquor & outdoor service - renewal.
- (5) Hy-Vee Tasting Room, 6301 University Avenue, Special Class C liquor - renewal.
- (6) The Hydrant Firehouse Grill, 2002 College Street, Class C liquor - renewal.

Motion carried unanimously.

51719 - It was moved by Kruse and seconded by Green that the following resolutions be introduced and adopted:

Resolution #20,928, deleting the pay for an employee in the position of Land Surveyor in the Engineering Services Division.

Resolution #20,929, deleting the pay for an employee in the position of Inspector in the Inspection Services Division.

Resolution #20,930, deleting the pay for an employee in the position of Equipment Mechanic in the Public Works & Parks Division.

Resolution #20,931, establishing the pay for a new employee hired in the position of PT-Laborer in the Public Works & Parks Division.

Resolution #20,932, establishing the pay for three new employees hired in the position of Public Safety Officer in the Police Operations Division.

Resolution #20,933, establishing the pay for an employee reclassified to the position of Maintenance Worker in the Public Works & Parks Division.

Resolution #20,934, establishing the pay for an employee reclassified to the position of Public Safety Officer in the Police Operations Division.

Resolution #20,935, approving and authorizing execution of the renewal of an Advertising Agreement with Lee Enterprises, Incorporated, d/b/a Courier Communications, relative to recruitment advertising.

Resolution #20,936, approving and authorizing execution of an extension of a three-year Agreement for Audit Services with Eide Bailly, LLP.

Resolution #20,937, approving and authorizing execution of a contract for CLEAR for Law Enforcement Plus with West Publishing Corporation relative to investigations and background checks conducted by the Public Safety Services Department.

Resolution #20,938, approving and authorizing execution of a Farm Lease Agreement with Luhring & Luhring Farms relative to agricultural land known as the Belz Farm.

Resolution #20,939, approving and accepting a Temporary Easement, in conjunction with the 2017 Levee/Floodwall System Improvements Project.

Resolution #20,940, approving and accepting completion of public improvements in Prairie West 7th Addition.

Resolution #20,941, approving the Certificate of Completion and accepting the work of Feldman Concrete for the 2017 Sidewalk Assessment Project, Zone 8.

Resolution #20,942, approving the Final Statement of Expenditures for the 2017 Sidewalk Assessment Project, Zone 8.

Resolution #20,943, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the 2017 Street Reconstruction Project.

Resolution #20,944, approving the Certificate of Completion and accepting the work of Mike Dolan Concrete & Masonry, Inc. for the 2016 Public Sidewalk Repair, Pedestrian Ramp and Patching Project.

Resolution #20,945, approving the Certificate of Completion and accepting the work of Mike Dolan Concrete & Masonry, Inc. for the 2016 Permeable Alley Project.

Resolution #20,946, approving the Certificate of Completion and accepting the work of Mike Dolan Concrete & Masonry, Inc. for the Cedar Falls Industrial Park Street Patching Project.

Resolution #20,947, approving and authorizing execution of Supplemental Agreement No. 2 to the Standard Consultant Contract with IIW, P.C. for construction engineering services relative to the West 20th Street Bridge Replacement Project.

Resolution #20,948, approving and authorizing execution of Supplemental Agreement No. 4 to the Professional Services Agreement with Foth Infrastructure & Environmental, LLC relative to the 2018 Bridge Inspection Project.

Resolution #20,949, approving the partial release of retainage funds to K. Cunningham Construction Company, Inc. for the University Avenue Reconstruction Project, Phase I.

Resolution #20,950, approving and authorizing execution of a Cooperative Agreement for Primary Road Project with the Iowa Department of Transportation for reconstruction of ramp terminals relative to the University Avenue Reconstruction Project, Phase 3.

Resolution #20,951, approving and authorizing execution of an Assignment and Assumption Agreement relative to an Agreement for Private Development and conveyance of development property by CV Properties Housing Cooperative Association to CV Properties 2, LLC.

Resolution #20,952, setting February 19, 2018 as the date of public hearing on the proposed FY19 Budget for the City of Cedar Falls.

Resolution #20,953, setting February 19, 2018 as the date of public hearing on the proposed vacation and dedication of utility easements on Lots 32, 33 & 34 of Pinnacle Prairie Business Center North.

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 #20,928 through #20,953 duly passed and adopted.

- 51720 - It was moved by Wieland and seconded by Darrah that Resolution #20,954, deleting the pay for an employee in the position of Firefighter in the Fire Operations Division, be adopted. Following comments by Councilmember Green and questions by Councilmember Miller and responses by Finance & Business Operations Director Rodenbeck 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. Nay: Green. Motion carried. The Mayor then declared Resolution #20,954 duly passed and adopted.
- 51721 - It was moved by Darrah and seconded by deBuhr that Resolution #20,955, establishing the pay for an employee assigned to the position of Acting Police Lieutenant-Public Safety Officer in the Police Operations Division, be adopted. Following a question by Councilmember Green and response by 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 #20,955 duly passed and adopted.
- 51722 - It was moved by Green and seconded by Blanford that Resolution #20,956, approving and authorizing the purchase of a fire rescue pumper apparatus from Toyne, Inc., be adopted. Following a question by Councilmember Green and response by 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 #20,956 duly passed and adopted.
- 51723 - It was moved by Miller and seconded by Wieland that a resolution approving a College Hill Neighborhood Overlay Zoning District site plan for a commercial/residential mixed use development at 2119 College Street be adopted. City Planner II Graham provided a brief summary of the project, and Graham and Community Development Director Sheetz responded to questions by Councilmembers deBuhr, Darrah, Green, Wieland, Kruse, Miller and Blanford.

The following individuals spoke in opposition to the site plan as proposed:  
Dave Manning, 317 6th Avenue, representing clients with interest in College Hill area  
Maggie Miller, 615 West 20th Street, Northern Iowa Student Government Director of Government Relations  
Dr. Brian Sires, 1939 College Street  
Danny Bigelow, 3909 Beaver Ridge Circle  
Kara Bigelow Baker, 1826 Quail Run Lane

The following individuals spoke in support of the proposed site plan:  
Dave Diebler, 1616 Campus Street  
Jon Taiber, 1005 West 16th Street

It was then moved by deBuhr and seconded by Kruse to call the question. Motion to call the question failed 3-4, with Green, Darrah, Blanford and Miller voting nay. It was then moved by Miller and seconded by Darrah that the original motion be tabled. Motion to table carried 5-2, with deBuhr and Kruse voting nay.

51724 - It was moved by deBuhr and seconded by Blanford that the bills and payrolls 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.

51725 - It was moved by Miller and seconded by Kruse to refer to the Committee of the Whole the Council's role in Boards and Commissions relative to conflict of interest. Motion carried unanimously.

It was moved by Darrah and seconded by Green to refer to the Committee of the Whole the review of existing ordinances relative to all components of development within C-3 zoned areas. Following a question by Councilmember Wieland and response by Community Development Director Sheetz, the motion carried unanimously.

It was then moved by Green and seconded by Wieland to direct staff to provide to the Council clarification and interpretation of ex parte communication. Following questions and comments by Councilmembers Green and Kruse, and responses by City Attorney Rogers and City Administrator Gaines, the motion carried unanimously.

51726 - Finance & Business Operations Director Rodenbeck recognized City Clerk Jacqueline Danielsen for receiving the designation of Master Municipal Clerk (MMC) from the International Institute of Municipal Clerks.

51727 - Brent Dahlstrom, 5016 Samantha Circle, spoke about his investment in the City and his development being proposed at 2119 College Street.

Chris Wernimont, 415 ½ Washington Street, inquired about parking spaces being required for the proposed mixed use development and interpretation of the City Code.

Kara Bigelow Baker, 1826 Quail Run Lane, expressed concerns about the proposed mixed use development.

51728 - It was moved by Blanford and seconded by Kruse that the meeting be adjourned at 9:15 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk

