

**CITY HALL
CEDAR FALLS, IOWA, AUGUST 19, 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.

- 52455 - It was moved by Green and seconded by Miller that the minutes of the Regular Meeting of August 5, 2019 be approved as presented and ordered of record. Motion carried unanimously.

Mayor Brown made a tribute to former Councilmember Barbara Brown. Councilmembers Darrah and Wieland also expressed their appreciation for the work she has done for the community over the years.

- 52456 - Public Safety Services Director Olson provided introductions and Mayor Brown proceeded with the Administration of Oath to new Public Safety Officers Joshua Getz and Morgan Hoeft and Reserve Officers Cory Hines, Adam Spray, Mark Kelley and Adam Aries.

- 52457 - Mayor Brown announced that in accordance with the public notice of August 9, 2019, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2019 Peter Melendy Park Renovation Project. It was then moved by Blanford and seconded by Miller that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 52458 - 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 Tolan provided a brief explanation of the proposed project and responded to questions by Rosemary Beach, 5018 Sage Road. 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.

- 52459 - It was moved by Green and seconded by Blanford that Resolution #21,661, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2019 Peter Melendy Park Renovation Project, be adopted. Following a question by Councilmember Darrah 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 #21,661 duly passed and adopted.

- 52460 - It was moved by Wieland and seconded by Miller that Resolution #21,662,

- correcting a scrivener's error and amending Resolution #21,590 relative to voluntary annexation of certain real estate, 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 #21,662 duly passed and adopted.
- 52461 - Mayor Brown announced that in accordance with the public notice of July 19, 2019, this was the time and place for public hearing applications for voluntary annexation of certain real estate to the City of Cedar Falls. 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.
- 52462 - The Mayor then asked if there were any written communications filed to the proposed annexation. Upon being advised that there was one written communication on file, the Mayor then called for oral comments. Economic Development Coordinator Graham provided a brief summary of the proposed annexation. There being no one else present wishing to speak either for or against the proposed annexation, the Mayor declared the hearing closed and passed to the next order of business.
- 52463 - It was moved by deBuhr and seconded by Miller that Resolution #21,663, approving the voluntary annexation of property to the City of Cedar Falls which lies within two (2) miles of the corporate boundaries of the City of Hudson, 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 #21,663 duly passed and adopted.
- 52464 - Mayor Brown announced that in accordance with the public notice of August 9, 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 Strickler Properties, L.C. It was then moved by Green and seconded by Blanford that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52465 - 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. There being no one else present wishing to speak about the proposed Agreement, the Mayor declared the hearing closed and passed to the next order of business.
- 52466 - It was moved by Wieland and seconded by Green that Resolution #21,664, approving and authorizing execution of an Agreement for Private Development and a Minimum Assessment Agreement with Strickler Properties, L.C., and approving and authorizing execution of a Quit Claim Deed conveying title to

certain real estate to Strickler Properties, L.C., 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 #21,664 duly passed and adopted.

- 52467 - It was moved by Blanford and seconded by Darrah that Ordinance #2950, granting a partial property tax exemption to ACOH, LLC for construction of an industrial use manufacturing and office facility at 6601 Development Drive, 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.
- 52468 - It was moved by Darrah and seconded by deBuhr that Ordinance #2952, granting a partial property tax exemption to FN Investors, LLC for construction of an industrial use lab and office facility at 3019 Venture Way, 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.
- 52469 - It was moved by Green and seconded by Darrah that Ordinance #2953, amending Ordinance No. 1923, 2122, 2461, 2696, 2785 and 2923, providing that general property taxes levied and collected each year on all property located within the amended Cedar Falls Unified Highway 58 Corridor Urban Renewal Area, by and for the benefit of the State of Iowa, City of Cedar Falls, County of Black Hawk, Cedar Falls Community School District, Hudson Community School District, Dike-New Hartford Community School District and other taxing districts, be paid to a special fund for payment of principal and interest on loans, monies advanced to and indebtedness, including bonds issued or to be issued, incurred by the City in connection with Amendment No. 5 to the Cedar Falls Unified Highway 58 Corridor Urban Renewal Area, 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.
- 52470 - It was moved by Darrah and seconded by Miller 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 Charles Blair-Broeker to the Library Board of Trustees, term ending 06/30/2022.

Receive and file the Committee of the Whole minutes of August 5, 2019 relative to the following items:

- a) Library Board of Trustees Interview - Charles Blair-Broeker.
- b) College Hill Parking Study.
- c) Information Systems Update.

- d) On-street parking of trailers.
- e) Bills & Payroll.

Receive and file a communication from the Civil Service Commission relative to a certified list for the position of Planner I.

Approve the application of Kwik Star, 4515 Coneflower Parkway, for a cigarette/tobacco/nicotine/vapor permit.

Approve the following applications for beer permits and liquor licenses:

- a) Main Street Sweets, 307 Main Street, Class B native wine - renewal.
- b) Amigo, 5809 University Avenue, Class C liquor & outdoor service - renewal.
- c) Buffalo Wild Wings, 6406 University Avenue, Class C liquor & outdoor service - renewal.
- d) The Pump Haus Pub & Grill, 311 Main Street, Class C liquor & outdoor service - renewal.
- e) Whiskey Road Tavern & Grill, 402 Main Street, Class C liquor & outdoor service - renewal.
- f) B & B West, 3105 Hudson Road, Class E liquor - renewal.
- g) The Music Station, 1420 West 1st Street, Class E liquor - renewal.
- h) Wal-Mart, 525 Brandilynn Boulevard, Class E liquor - renewal.
- i) Kwik Star, 4515 Coneflower Parkway, Class C beer & Class B wine - new.
- j) College Hill Partnership (Oktoberfest), Municipal Lot G, Special Class C liquor & outdoor service - 5-day permit.

Motion carried unanimously.

- 52471 - It was moved by Wieland and seconded by Kruse that the following resolutions be introduced and adopted:

Resolution #21,665, approving and adopting revised job classifications for the positions of Community Services Coordinator and Housing Program Specialist in the Community Development Department.

Resolution #21,666, approving and authorizing execution of a Memorandum of Understanding with the City of Waterloo and Black Hawk County relative to the 2019-2020 Edward Byrne Memorial Justice Assistance Grant (JAG) funding for the Tri-County Drug Enforcement Task Force.

Resolution #21,667, approving and authorizing the expenditure of funds for the purchase of a day cab tractor.

Resolution #21,668, approving and accepting five Owner's Temporary Grading Easements, in conjunction with the 12th Street South Ditch Grading Project.

Resolution #21,669, receiving and filing, and approving and accepting the bid of Feldman Concrete, in the amount of \$155,170.41, for the 2019 Sidewalk Assessment Project, Zone 2.

Resolution #21,670, approving and authorizing execution of a Third Amendment

to Maintenance and Repair Agreement and Permanent Easement with Panther Farms, LLC relative to a post-construction stormwater management plan for Prairie Winds 4th Addition.

Resolution #21,671, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with JC Enterprises, Inc. relative to a post-construction stormwater management plan for 110 Lincoln Street.

Resolution #21,672, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with Zuidberg NA, LLC relative to a post-construction stormwater management plan for 2700 Capital Way.

Resolution #21,673, approving and authorizing execution of a Contract for Completion of Improvements with Panther Farms, LLC relative to the final plat of Prairie Winds 4th Addition.

Resolution #21,674, approving and accepting the contract and bond of Minturn, Inc. for the 2019 Bridge Maintenance Project.

Resolution #21,675, approving and authorizing execution of Supplemental Agreement No. 4A to the Professional Service Agreement with Clapsaddle Garber Associates, Inc. for construction observation and testing services relative to Prairie Winds 4th Addition.

Resolution #21,676, approving and authorizing execution of Supplemental Agreement No. 6A to the Professional Service Agreement with Clapsaddle Garber Associates, Inc. for construction observation and testing services relative to Sands Addition.

Resolution #21,677, approving the closure of the Housing Choice Voucher (HCV) Program (a/k/a Section 8) Waiting List, as recommended by the Housing Commission.

Resolution #21,678, approving a Central Business District Overlay Zoning District site plan for facade improvements at 100 East 2nd Street.

Resolution #21,679, approving a College Hill Neighborhood Overlay Zoning District site plan for construction of a single-unit residential dwelling at 1809 College Street.

Resolution #21,680, approving the preliminary plat of Pheasant Hollow Seventh Addition.

Resolution #21,681, approving and authorizing execution of an Assignment and Assumption Agreement relative to an Agreement for Private Development and conveyance of development property by Buckeye Corrugated, Inc. to Broadstone BCI Iowa, LLC.

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 #21,665 through #21,681 duly passed and adopted.
- 52472 - It was moved by Blanford and seconded by deBuhr that Resolution #21,682, approving and authorizing execution of a Parking Lot Lease Agreement with Viking Pump, Inc. relative to use of a parking lot located in the vicinity of East 4th Street and State Street for public parking, be adopted. Following supportive comments by Councilmember Wieland and Community Main Street Director Carol Lilly, 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 #21,682 duly passed and adopted.
- 52473 - It was moved by Darrah and seconded by Wieland that Resolution #21,683, approving and authorizing execution of an Ash Tree Removal Services Informal Project Contract with Twin City Tree Service, LLC, be adopted. Following a question by Councilmember Wieland and response by 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, Green. Nay: None. Motion carried. The Mayor then declared Resolution #21,683 duly passed and adopted.
- 52474 - It was moved by Wieland and seconded by deBuhr that Resolution #21,684, approving the final plat of Prairie Winds 4th Addition, 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 #21,684 duly passed and adopted.
- 52475 - It was moved by Green and seconded by Miller that Resolution #21,685, approving and authorizing execution of a Surface Transportation Block Grant (STBG) Programming Agreement with Black Hawk County Metropolitan Planning Organization (MPO) relative to the Main Street Reconstruction Project, be adopted. Following questions by Councilmembers deBuhr and Kruse, and responses by Community Development Director Sheetz and 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 #21,685 duly passed and adopted.
- 52476 - It was moved by Kruse and seconded by deBuhr that the bills and payroll of August 19, 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.

- 52477 - Mayor Brown announced that the next regularly scheduled City Council meeting will be Tuesday, September 3, 2019 due to the Labor Day holiday.

Mayor Brown recognized the upcoming retirements of Building Official Craig Witry with 24 years of service, and Fire Captain Mike Buhrow with 38 years of service.

Public Safety Services Director Olson announced the graduation of Public Safety Officers Marissa Abbott, Thomas Baltes, Kaleb Bruggeman, Tyler Lenox and Tyler Putney from the Iowa Law Enforcement Academy in Des Moines, IA on August 16, 2019. Public Safety Officer Baltes received the top academic award for highest GPA of the class and Public Safety Officer Abbott was elected and served as class president.

City Administrator Gaines provided a Climate Action Plan update and announced an upcoming meeting to compile an action plan.

Community Development Director Sheetz announced that Cedar Falls was nominated for the Bentley Systems award for the University Avenue Reconstruction Project.

Communication Specialist Huisman recapped the 'National Night Out' event stating that there were over 800 attendants and thanked all of the sponsors and volunteers that made the event possible. Huisman also invited the public to participate in the Recreation Center Survey. The survey link can be found on the City website. Lastly, Huisman announced the 'Place to Play Playground' Grand Opening on August 31, 2019 at 10:00 A.M. and invited the public to attend.

- 52478 - It was moved by Green and seconded by Darrah 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, 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.

- 52479 - Jeff Hansen, 806 Bluff Street, expressed concerns about the condition of the alley in his neighborhood.

Mayor Brown responded to comments and concerns expressed by Ruth Walker, 2208 Coventry Lane, regarding racial disparities in Cedar Falls.

Public Safety Services Director Olson and Councilmember Blanford responded to questions and concerns expressed by Rosemary Beach, 5018 Sage Road, regarding a road condition on 18th/Main Streets and safety on College Hill.

Public Safety Services Director Olson and City Administrator Gaines responded to questions by Councilmembers Green, Kruse and Miller, and concerns

expressed by the following citizens regarding the public safety model for staffing, budget, training/qualifications, self-dispatching and organizational chart:

Sarah Langel, 1312 Windsor Drive

Darren Yoder, 3919 Beaver Ridge Trail

Jessica Wittenburg, 4319 Wynnewood Drive

Kathryn Sogard, College Hill Partnership Director, expressed appreciation for the College Hill parking study and implementing recommendations.

Bob Manning, 2908 West 3rd Street, Executive Officer of Cedar Valley Home Builders, announced the Cedar Valley Parade of Homes event on August 22-24, 2019.

The City Council adjourned to Executive Session at 8:11 P.M.

Mayor Brown reconvened the City Council meeting at 8:41 P.M. and stated that Legal Matters had been discussed but that no further action was required at this time.

52480 - It was moved by Green and seconded by Darrah that the meeting be adjourned at 8:42 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk