

**CITY HALL  
CEDAR FALLS, IOWA, AUGUST 5, 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.

- 52424 - It was moved by Kruse and seconded by Green that the minutes of the Regular Meeting of July 15, 2019 be approved as presented and ordered of record. Motion carried unanimously.

Kevin Dill, former Director of Veteran Affairs, announced that a representative from the Veterans Affairs Midwest Healthcare Network will be at the Public Safety Facility at 6:00 p.m. on August 6, 2019 to address healthcare for veterans.

Mayor Brown read a proclamation declaring August 2019 as Gastroparesis Awareness Month, and Nikki Morrissey commented.

- 52425 - Mayor Brown announced that the oaths for public safety and reserve officers are being rescheduled to the August 19, 2019 City Council meeting.

- 52426 - Mayor Brown announced that in accordance with the public notice of July 19, 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 Sidewalk Assessment Project, Zone 2. It was then moved by Wieland and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 52427 - 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. 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.

- 52428 - It was moved by Blanford and seconded by Miller that Resolution #21,634, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2019 Sidewalk Assessment Project, Zone 2, 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 #21,634 duly passed and adopted.

- 52429 - Mayor Brown announced that in accordance with the public notice of July 19, 2019, this was the time and place for a public hearing on the proposed vacation of a 15-foot wide pedestrian trail access easement along the southern border of the Western Home Campus between South Main Street and Prairie Parkway. It

was then moved by Darrah and seconded by Blanford that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 52430 - The Mayor then asked if there were any written communications filed to the proposed vacation. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planner III Sturch provided a brief summary of the proposed vacation. There being no one else present wishing to speak about the proposed vacation, the Mayor declared the hearing closed and passed to the next order of business.
- 52431 - It was moved by deBuhr and seconded by Darrah that Resolution #21,635, approving and authorizing the vacation of a 15-foot wide pedestrian trail access easement located along the southern border of the Western Home Campus between South Main Street and Prairie Parkway, 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 #21,635 duly passed and adopted.
- 52432 - Mayor Brown announced that in accordance with the public notice of July 19, 2019, this was the time and place for a public hearing on the proposed ordinance granting a partial property tax exemption to ACOH, LLC for construction of an industrial use manufacturing and office facility at 6601 Development Drive. 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.
- 52433 - The Mayor then asked if there were any written communications filed to the proposed exemption. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham commented briefly. There being no one else present wishing to speak about the proposed exemption, the Mayor declared the hearing closed and passed to the next order of business.
- 52434 - It was moved by Kruse and seconded by Green 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 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, Green. Nay: None. Motion carried.
- 52435 - Mayor Brown announced that in accordance with the public notice of July 19, 2019, this was the time and place for a public hearing on the proposed ordinance granting a partial property tax exemption to Buckeye Corrugated, Inc. for construction of an industrial use warehouse and production facility at 2900 Capital Way. It was then moved by Kruse and seconded by Blanford that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52436 - The Mayor then asked if there were any written communications filed to the

proposed exemption. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham commented briefly. There being no one else present wishing to speak about the proposed exemption, the Mayor declared the hearing closed and passed to the next order of business.

- 52437 - It was moved by Kruse and seconded by Wieland that Ordinance #2951, granting a partial property tax exemption to Buckeye Corrugated, Inc. for construction of an industrial use warehouse and production facility at 2900 Capital Way, 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, Green. Nay: None. Motion carried.
- 52438 - Mayor Brown announced that in accordance with the public notice of July 19, 2019, this was the time and place for a public hearing on the proposed ordinance granting a partial property tax exemption to FN Investors, LLC for construction of an industrial use lab and office facility at 3019 Venture Way. It was then moved by Kruse and seconded by Blanford that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52439 - The Mayor then asked if there were any written communications filed to the proposed exemption. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham commented briefly. There being no one else present wishing to speak about the proposed exemption, the Mayor declared the hearing closed and passed to the next order of business.
- 52440 - It was moved by Kruse and seconded by Blanford 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 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, Green. Nay: None. Motion carried.
- 52441 - It was moved by Wieland 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 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, Green. Nay: None. Motion carried. The Mayor then declared Ordinance #2949 duly passed and adopted.
- 52442 - It was moved by Miller 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 Evan Renfro as a member of the Library Board of Trustees.

Receive and file the Committee of the Whole minutes of July 15, 2019 relative to the following items:

- a) River Gauge Update.
- b) Snow removal requests on sidewalks/trails.
- c) Bills & Payroll.

Receive and file the report of the July 22, 2019 Joint Meeting of the City Council & the Utilities Board of Trustees.

Receive and file Departmental Monthly Reports of June 2019.

Approve the request of Community Main Street for temporary signs for the Downtown Shuttle.

Approve the following special event related requests:

- a) Street closures, Fondo Cedar Valley Bike Ride, August 17, 2019.
- b) Parking variance, Campus Street, August 19-23, 2019.
- c) Street closure, West 5th Street, August 31, 2019.
- d) Scott Sterrett Memorial Half Marathon, September 7, 2019.
- e) Closure of a portion of Municipal Lot G, Pear Fair & Oktoberfest, September 27-30, 2019.

Approve the following applications for cigarette/tobacco/nicotine/vapor permits:

- a) Dollar General Store, 1922 Valley Park Drive.
- b) Fleet Farm, 400 West Ridgeway Avenue.
- c) Fleet Farm Fuel, 108 West Ridgeway Avenue.

Approve the following applications for beer permits and liquor licenses:

- a) Vintage Iron, 104 Main Street, Class B native wine - renewal.
- b) The Black Hawk Hotel/Bar Winslow/Farm Shed, 115-119 Main Street, Class B liquor, Class B wine & outdoor service - renewal.
- c) Octopus, 2205 College Street, Class C liquor & outdoor service - renewal.
- d) The Library, 2222 College Street, Class C liquor & outdoor service - renewal.
- e) The Other Place, 4214 University Avenue, Class C liquor & outdoor service - renewal.
- f) Texas Roadhouse, 5715 University Avenue, Class C liquor - change in ownership.
- g) The Pump Haus Pub & Grill, 311 Main Street, Class C liquor & outdoor service - sidewalk café.
- h) Community Main Street (FondoFest), Overman Park, Special Class C liquor & outdoor service - 5-day permit.

Motion carried unanimously.

52443 - It was moved by Green and seconded by Blanford that the following resolutions be introduced and adopted:

Resolution # 21,636, approving and authorizing execution of an Easement Agreement, in conjunction with a sidewalk café at 311 Main Street.

Resolution # 21,637, approving a Claim for Non-Residential Relocation

Assistance Reimbursement, in conjunction with the West 1st Street Reconstruction Project.

Resolution #21,638, approving and accepting the contract and bond of K. Cunningham Construction Company, Inc. for the South Main Street Parking Lot Project.

Resolution #21,639, approving and authorizing execution of a Contract for Completion of Improvements with Western Home Independent Living Services, Inc. and approving an Escrow Agreement relative to the final plat of Western Home Communities Ninth Addition.

Resolution #21,640, receiving and filing the bids, and approving and accepting the low bid of Minturn, Inc., in the amount of \$186,793.00, for the 2019 Bridge Maintenance Project.

Resolution #21,641, approving the application for Traffic Safety Improvement Program (TSIP) Funding with the Iowa Department of Transportation relative to the Cedar Heights Drive and Greenhill Road Intersection Improvements.

Resolution #21,642, approving and adopting revised Rules of Procedure for the Board of Adjustment.

Resolution #21,643, approving the final plat of Park Ridge Estates Subdivision.

Resolution #21,644, approving the final plat of Western Home Communities Ninth Addition.

Resolution #21,645, approving and accepting the low bid, and approving and authorizing execution of a Rehabilitation Contract with Brothers Construction Enterprises, Inc., relative to a HOME housing rehabilitation project.

Resolution #21,646, approving and authorizing execution of an Assignment and Assumption Agreement by CV Properties 2, LLC to CV Commercial 2, LLC relative to a private development agreement for development of property located at 917 West 23rd Street.

Resolution #21,647, approving a revised Highway 20 Commercial Corridor Overlay Zoning District site plan for construction of a restaurant and convenience store/gas station/automobile service station to be located on Lot 2 of Gateway Business Park at Cedar Falls I.

Resolution #21,648, approving a PC-2, Planned Commercial Zoning District site plan for construction of a retail/professional office building at 918 Viking Road.

Resolution #21,649, approving and authorizing the expenditure of funds to order pavers to complete the brick pattern for Peter Melendy Park and East 2nd Street sidewalk at MU2.

Resolution #21,650, receiving and filing, and setting August 19, 2019 as the date of public hearing on, the proposed plans, specifications, form of contract &

estimate of cost for the 2019 Peter Melendy Park Renovation Project.

Resolution #21,651, setting August 19, 2019 as the date of public hearing to consider entering into a proposed Agreement for Private Development and to consider conveyance of certain city-owned real estate to Strickler Properties, L.C.

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 #21,636 through #21,651 duly passed and adopted.

52444 - It was moved by Blanford and seconded by Wieland that the following resolutions be introduced and adopted:

Resolution #21,652, approving and authorizing execution of an Agreement in Support of the Beau's Beautiful Blessings, Inc. relative to an FY20 Community Betterment Grant.

Resolution #21,653, approving and authorizing execution of an Agreement in Support of the Cedar Falls Community Theatre, Inc. relative to an FY20 Community Betterment Grant.

Resolution #21,654, approving and authorizing execution of an Agreement in Support of the Cedar Falls Historical Society relative to an FY20 Community Betterment Grant.

Resolution #21,655, approving and authorizing execution of an Agreement in Support of the HusomeStrong Foundation relative to an FY20 Community Betterment Grant.

Resolution #21,656, approving and authorizing execution of an Agreement in Support of the Volunteer Center of the Cedar Valley relative to an FY20 Community Betterment Grant.

Resolution #21,657, approving and authorizing execution of an Agreement in Support of the Waterloo-Cedar Falls Symphony Orchestra Association relative to an FY20 Community Betterment Grant.

Following a question by Councilmember Wieland 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 Resolutions #21,652 through #21,657 duly passed and adopted.

52445 - It was moved by Miller and seconded by deBuhr that Resolution #21,658, approving and authorizing execution of a Contract for Completion of Improvements with BJW Holdings, LLC relative to the final plat of Park Ridge Estates, be adopted. Following a question by Councilmember Green 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 #21,658 duly passed and adopted.

52446 - It was moved by Miller and seconded by Darrah that Resolution #21,659, approving and authorizing execution of Supplemental Agreement No. 9 to the Professional Service Agreement with Snyder & Associates, Inc. for 2019 Engineering Services relative to the Northern Cedar Falls Drainage Study, be adopted. Following a question by Councilmember Miller 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 #21,659 duly passed and adopted.

52447 - It was moved by Darrah and seconded by Miller that Resolution #21,660, approving the final plat of Greenhill Village Townhomes II, Phase I, be adopted. Community Development Director Sheetz responded to a question by Councilmember deBuhr, and Planner II Lehmann provided a brief background on the proposed plat.

Community Services Manager Howard, Planner II Lehmann, City Attorney Rogers, Community Development Director Sheetz and City Administrator Gaines responded to questions and comments by Councilmembers deBuhr, Kruse, Darrah and Green.

The following individuals spoke opposed to the proposed development:

Chris Nolan, 1510 Athens Court

Mary Ann Nolan, 1510 Athens Court

Rita Durchenwald, 1525 Athens Court (on behalf of Tim Tjarks, 1521 Athens Court)

Tim Hanson, 1517 Athens Court

Following questions and comments by Councilmembers Miller, Blanford, Kruse and Wieland, and responses by Manager Howard, Mayor Brown, Attorney Rogers, Administrator Gaines and Director Sheetz, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Blanford, Darrah, Wieland, Green. Nay: deBuhr, Kruse. Motion carried 5-2. The Mayor then declared Resolution #21,660 duly passed and adopted.

52448 - It was moved by Miller and seconded by Green that a resolution approving a Mixed Use Residential Zoning District site plan for a multi-unit residential development on Lot 1, Greenhill Village Townhomes II, Phase I be adopted. Planner II Lehmann presented the proposed site plan.

The following individuals spoke opposed to the proposed site plan:

Tim Hanson, 1517 Athens Court

Mary Ann Nolan, 1510 Athens Court

Michelle Hanson, 1517 Athens Court

Ryan Frost, 4718 Addison Drive

Robin Frost, 4718 Addison Drive  
Chris Nolan, 1510 Athens Court

Steve Troskey, Clapsaddle-Garber Associates (CGA) spoke on behalf of the developer. Following questions and comments by Councilmembers deBuhr, Miller and Darrah, and responses by Community Services Manager Howard, City Administrator Gaines and City Attorney Rogers, it was moved by deBuhr and seconded by Blanford to table the original motion. Motion to table carried unanimously.

- 52449 - It was moved by Green and seconded by Blanford 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 first consideration. Following a question by Councilmember Green 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, Green. Nay: None. Motion carried.
- 52450 - It was moved by deBuhr and seconded by Blanford that the bills and payroll of August 5, 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.
- 52451 - It was moved by deBuhr and seconded by Blanford to refer to the Planning and Zoning Commission the Master Plan for Greenhill Village Townhomes, particularly Lot A, and that the developer work with surrounding property owners to develop a plan that will preserve the character of the neighborhood. The motion to refer carried unanimously.
- 52452 - Communication Specialist Huisman announced the 'National Night Out' event that will be held at the Cedar Falls Target on August 6, 2019 from 4-7 P.M. The Cedar Falls Public Safety staff will be helping with this family fun event.

Community Development Director Sheetz announced that Cedar Falls was awarded the 2019 All-Star Community Award from the Iowa League of Cities for the University Avenue Reconstruction Project. The award will be accepted on September 26, 2019.

Public Safety Services Director Olson and Public Works Director Schrage provided an update on the traffic control devices that have been implemented on



West 2nd Street.

Public Safety Services Director Olson responded to questions by Councilmembers Miller, deBuhr and Green regarding commercial fire alarm response protocol.

Public Safety Services Director Olson and City Attorney Rogers responded to questions by Mayor Brown, Councilmembers Miller, Wieland and Kruse regarding firefighter lawsuits, appeals, complaints and training.

Councilmember Green announced the Greenhill Road and South Main Street neighborhood event taking place on August 6, 2019 from 6-8 P.M.

- 52453 - Public Safety Services Director Olson and Public Works Director Schrage responded to concerns expressed by Butch Brown, 421 Spruce Hills Drive, and questions by Councilmembers Blanford and Miller regarding MercyOne's ambulance service response and additional street lighting needed at intersection of Greenhill Road and West 27th Street.

Public Safety Services Director Olson responded to questions by Simon Harding, 2238 Sunnyside Circle, regarding the number of firefighters previously (low 30s) compared to now (60-70).

Public Safety Services Director Olson responded to comments by Larry Wyckoff, 4241 Eastpark Road, regarding an attempted kidnapping incident that occurred recently.

- 52454 - It was moved by Kruse and seconded by Green that the meeting be adjourned at 9:13 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk