

**CITY HALL
CEDAR FALLS, IOWA, APRIL 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, Green. Absent: None.

- 52253 - It was moved by Green and seconded by Darrah that the minutes of the Regular Meeting of March 18, 2019 be approved as presented and ordered of record. Motion carried unanimously.

Mayor Brown read a proclamation declaring April 7-13, 2019 as Crime Victims' Rights Week. Glenda Husome with the Family and Children's Council spoke briefly and introduced Rosario with Riverview Center and Laura with the Department of Corrections.

The Mayor then read a proclamation declaring April 28-May 5, 2019 as Days of Remembrance, and University of Northern Iowa Director of the Center for Holocaust and Genocide Education Stephen Gaies commented and invited everyone to the Holocaust Remembrance Ceremony on April 23, 2019 at 7:00 P.M. at the Grout Museum District.

Mayor Brown recognized University of Northern Iowa student Drew Foster as a 2019 National Collegiate Athletic Association (NCAA) wrestling champion.

- 52254 - City Clerk Danielsen announced that Item 28 was being removed from the Resolution Calendar.
- 52255 - Mayor Brown announced that in accordance with the public notice of March 22, 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 Permeable Alley Project. It was then moved by deBuhr and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52256 - 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. Principal Engineer Schrage commented briefly about the project. Jim Skaine, 2215 Clay Street, spoke opposed to the program. 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.
- 52257 - It was moved by Blanford and seconded by Miller that Resolution #21,469, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2019 Permeable Alley Project, be adopted. Following questions by

Councilmembers Green, deBuhr and Wieland, and responses by Community Development Director Sheetz and Principal Engineer 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 #21,469 duly passed and adopted.

- 52258 - Mayor Brown announced that in accordance with the public notice of March 22, 2019, this was the time and place for a public hearing on proposed amendments to Section 26-181, CHN, College Hill Neighborhood Overlay Zoning District, of Chapter 26, Zoning, of the Code of Ordinances relative to certain provisions in the College Hill Neighborhood Overlay Zoning District. It was then moved by Wieland and seconded by Miller that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52259 - The Mayor then asked if there were any written communications filed to the proposed amendments. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Community Services Manager Howard provided a brief summary of the process and recommendations. College Hill Partnership Executive Director Kathryn Sogard spoke in support of the amendments. There being no one else present wishing to speak about the proposed amendments, the Mayor declared the hearing closed and passed to the next order of business.
- 52260 - It was moved by Wieland and seconded by Darrah 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 first consideration. Following questions by Councilmembers Wieland and Kruse, and responses by Community Services Manager Howard and Community Development Director Sheetz, it was 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 Blanford and Miller, and responses by City Attorney Rogers and Community Services Manager Sheetz, the motion to amend failed 3-4 with Councilmembers Miller, Blanford, Darrah and Wieland voting nay.

It was then moved by Kruse and seconded by deBuhr to remove language within 26-181(5)(a)(6) that states "In addition, for mixed-used and commercial buildings constructed prior to January 1, 2019, parking is not required for upper floor space that is converted to residential use." Following questions by Councilmembers Kruse, deBuhr, Blanford, Miller and Green, and responses by Community Services Manager Howard, City Attorney Rogers and College Hill Partnership Executive Director Kathryn Sogard, the motion to amend failed 3-4 with Councilmembers Miller, Blanford, Darrah and Wieland voting nay.

It was then moved by Kruse and seconded by Green to table the motion until the College Hill parking study is completed. Following comments by Councilmembers Green, Miller and Blanford, and response by City Administrator Gaines, the motion to table failed 3-4 with Councilmembers Miller, Blanford, Darrah and

Wieland voting nay.

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.

- 52261 - Following a brief explanation by City Attorney Rogers and comments by Councilmembers Blanford, deBuhr and Wieland, it was moved by deBuhr and seconded by Darrah that the rules requiring Ordinance #2937, adopting the Code of Ordinances for the City of Cedar Falls, 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, Green. Nay: Blanford. Motion carried.

It was then moved by Wieland and seconded by Miller that Ordinance #2937, adopting the Code of Ordinances for the City of Cedar Falls, 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 #2937 duly passed and adopted.

- 52262 - It was moved by deBuhr and seconded by Wieland that Ordinance #2938, amending Section 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 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.

- 52263 - Jeff Hansen, 806 Bluff Street, expressed concerns regarding snow levels in alleys and debris on roadside in his neighborhood.

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

Receive and file the resignation of Jayme Renfro as a member of the Art & Culture Board.

Receive and file communications from the Civil Service Commission relative to certified lists for the following positions:

- a) Arborist.
- b) Equipment Operator.

Receive and file Departmental Monthly Reports of February 2019.

Approve the request for a temporary sign on West 1st Street between the Rapp Gas Station and the Little Red School House for the Make-A-Wish Walk on April 24-27, 2019.

Approve a request for street closures for the Downtown Show and Shine, May 5, 2019.

Approve the following applications for liquor licenses:

- a) Lark Brewing, Deringer's Public Parlor & The Stuffed Olive, 314 Main Street, Class C liquor & outdoor service - sidewalk café.
- b) Luxe Nail Bar, 5907 University Avenue, Class C liquor - new.

Motion carried unanimously.

52264 - It was moved by Darrah and seconded by Miller to receive and file the Committee of the Whole minutes of March 18, 2019 relative to Pavement Management and Bills & Payroll. Jim Skaine, 2215 Clay Street, commented and Councilmember Green raised point of order. Following a question by Councilmember Miller and response by City Attorney Rogers, the motion carried unanimously.

52265 - It was moved by Darrah and seconded by Blanford to endorse the recommendations of the Library Board of Trustees, the Art & Culture Board and the Parks & Recreation Commission regarding use of the Berg and Ray Funds held by the Cedar Falls Community Foundation for the benefit of the Cedar Falls Public Library, the Hearst Center and the Recreation Center. Following a question by Rosemary Beech, 5018 Sage Road, and response by Finance & Business Operations Director Rodenbeck, the motion carried unanimously.

52266 - It was moved by Miller and seconded by Green that the following resolutions be introduced and adopted:

Resolution #21,470, approving and accepting from the Municipal Electric and Gas Utilities the permanent transfers of \$3,372,681.00 to the General Fund and \$30,000.00 to the Economic Development Fund of the City of Cedar Falls.

Resolution #21,471, approving and authorizing execution of an Easement Agreement, in conjunction with a sidewalk café at 314 Main Street.

Resolution #21,472, approving the Gold Star Family Memorial Monument site plan concept and preliminary cost estimate, as recommended by the Parks & Recreation Commission.

Resolution #21,473, approving and adopting revised Bylaws for the Housing Commission.

Resolution #21,474, approving a Claim for Non-Residential Relocation Assistance Reimbursement, in conjunction with the West 1st Street Reconstruction Project.

Resolution #21,475, approving and accepting a Temporary Easement, in conjunction with the 2017 Levee/Floodwall System Improvements Project.

Resolution #21,476, approving and authorizing execution of a License

Agreement with Aureon Network Services relative to installing a fiber optic telecommunications system in the Greenhill Road public right-of-way.

Resolution #21,477, approving and authorizing execution of a Professional Service Agreement with Robinson Engineering Company relative to the Ace Place Subwatershed Assessment Project.

Resolution #21,478, approving and authorizing execution of a Professional Service Agreement with Terracon Consultants, Inc. relative to 2019 Construction Testing Services.

Resolution #21,479, approving and accepting a Lien Notice and Special Promissory Note for property located at 925 West 15th Street relative to the Rental to Single Family Owner Conversion Incentive Program.

Resolution #21,480, approving and accepting the low bids, and authorizing execution of two Rehabilitation Contracts with Connerley Construction, Inc. relative to Community Development Block Grant (CDBG) housing rehabilitation projects.

Resolution #21,481, setting April 15, 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 Zuidberg NA, L.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 #21,470 through #21,481 duly passed and adopted.

- 52267 - It was moved by Darrah and seconded by Miller that Resolution #21,482, approving and authorizing execution of an Amended and Restated Developmental Procedures Agreement with James Benda relative to property located in the vicinity of University Avenue and McClain Drive, be adopted. Following a question by Councilmember Green and response by Planner II Lehmann, 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 #21,482 duly passed and adopted.
- 52268 - It was moved by Kruse and seconded by Wieland that the bills and payroll of April 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, Green. Nay: None. Motion carried.
- 52269 - It was moved by Green and seconded by Blanford to refer to the Committee of the Whole a request to amend the consumer fireworks ban to allow a limited-use window. Following comments by Councilmembers Green, Blanford, Kruse,

Wieland and Darrah, the motion failed 2-5 with Councilmembers Miller, deBuhr, Kruse, Darrah and Wieland voting nay.

It was then moved by Darrah and seconded by Blanford to refer to a Work Session, Sustainability for the future of Cedar Falls. Motion carried unanimously.

52270 - Mayor Brown announced a public workshop for the 'Downtown Visioning' on April 2, 2019 from 6-8 P.M. at the Cedar Falls Community Center.

52271 - Eashaan Vajpei, 3831 Convair Lane, expressed appreciation for the process of three readings for ordinances and expressed concerns with code language that could "grandfather in" a current illegal use, and City Attorney Rogers responded to a related question by Councilmember Kruse.

Rosemary Beech, 5018 Sage Road, requested a consistent speed limit on South Main Street, improvements to the parking area near the trailhead on South Main Street, and expressed the need for improved audio in the Council Chambers. Community Services Director Sheetz responded about planned improvements to the referenced parking area in the 2020 CIP.

Councilmember Wieland recognized the University of Northern Iowa students in attendance at the meeting.

Jim Skaine, 2215 Clay Street, commented on cost of the University Avenue roundabouts.

52272 - It was moved by Wieland and seconded by Kruse that the meeting be adjourned at 8:35 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk