

**CITY HALL
CEDAR FALLS, IOWA, JANUARY 6, 2020
REGULAR MEETING, CITY COUNCIL
MAYOR ROBERT M. GREEN 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, Harding, Darrah, Sires. Absent: None.

52605 - It was moved by Darrah and seconded by Kruse that the minutes of the Regular Meeting of December 16, 2019 be approved as presented and ordered of record. Motion carried unanimously.

52606 - City Clerk Danielsen announced that Item 20 on the Resolution Calendar was being removed from the agenda.

Mayor Green then read a statement regarding Non-Retaliation and Ombudsman Contact.

52607 - Mayor Green announced that in accordance with the public notice of December 20, 2019, this was the time and place for a public hearing on proposed plans, specifications, form of contract & estimate of cost for the Downtown Streetscape and Reconstruction Project. 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.

52608 - 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 Fitch commented on the proposed plans, City Administrator Gaines responded to a question by Rick Sharp, 1623 Birch Street, and Community Main Street Director Carol Lilly expressed support of and appreciation for the 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.

52609 - It was moved by Miller and seconded by deBuhr that Resolution #21,831, approving and adopting the plans, specifications, form of contract & estimate of cost for the Downtown Streetscape and Reconstruction 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, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #21,831 duly passed and adopted.

52610 - Mayor Green announced that in accordance with the public notice of December 19, 2019, this was the time and place for a public hearing on proposed Amendment No. 1 to the College Hill Urban Renewal Plan. It was then moved by

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

- 52611 - The Mayor then asked if there were any written communications filed to the proposed amendment. 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 summary of the proposed amendment. There being no one else present wishing to speak about the proposed amendment, the Mayor declared the hearing closed and passed to the next order of business.
- 52612 - It was moved by Kruse and seconded by Miller that Resolution #21,832, determining an area of the City to be an economic and blighted area, and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Amendment No. 1 to the College Hill Urban Renewal Plan, 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, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #21,832 duly passed and adopted.
- 52613 - Mayor Green announced that in accordance with the public notice of December 27, 2019, this was the time and place for a public hearing on proposed rezoning from R-1, Residence District, to C-1, Commercial District, of property located at 4911 University Avenue. It was then moved by deBuhr and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52614 - The Mayor then asked if there were any written communications filed to the proposed rezoning. 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 summary of the proposed rezoning. Petitioner Brad Jacobson, 806 Latham Place, offered to answer any questions. There being no one else present wishing to speak about the proposed rezoning, the Mayor declared the hearing closed and passed to the next order of business.
- 52615 - It was moved by Darrah and seconded by Kruse that Ordinance #2961, amending Section 26-118 of the Code of Ordinances by removing property located at 4911 University Avenue from the R-1, Residence District, and placing the same in the C-1, Commercial District, pursuant to provisions of a conditional zoning agreement, 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, Harding, Darrah, Sires. Nay: None. Motion carried.
- 52616 - It was moved by Miller and seconded by deBuhr that Ordinance #2960,

recreating the College Hill Self-Supported Municipal Improvement District (SSMID), 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, Harding, Darrah, Sires. Nay: None. Motion carried.

- 52617 - Following a comment by Councilmember deBuhr to amend Item 10, paragraph three, to reference Ward 5 instead of Ward 2, it was moved by deBuhr and seconded by Kruse that the following items and recommendations on the Consent Calendar be received, filed and approved as amended:

Receive and file the resignation of Robert M. Green as Cedar Falls City Council Member At Large.

Receive and file the report of the Mayor relative to the appointment of the Mayor Pro Tempore.

Receive and file the report of the Mayor relative to the appointment of the Administration, Public Works and Community Relations and Planning Committees.

Receive and file the City Council Goal Setting Report of December 9, 2019 and December 10, 2019.

Receive and file the Abstract of Votes for the November 5, 2019 Municipal Election and the December 3, 2019 Municipal Runoff Election.

Receive and file Departmental Monthly Reports of November 2019.

Approve the following applications for liquor licenses:

- a) Cedar Falls Family Restaurant, 2627 Center Street, Special Class C liquor - renewal.
- b) Fraternal Order of Eagles, 2125 West Lone Tree Road, Class C liquor & outdoor service - change in ownership.

Motion carried unanimously.

- 52618 - It was moved by Kruse and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #21,833, approving and authorizing execution of a Contracted Education Proposal with Black Hawk County Conservation/Hartman Reserve Nature Center and the cities of Elk Run Heights, Evansdale, Hudson, Raymond and Waterloo relative to providing public outreach and educational programs related to improving water quality and stormwater runoff.

Resolution #21,834, approving and accepting completion of public improvements in Sands Addition.

Resolution #21,835, approving the Certificate of Completion and accepting the work of S.M. Hentges & Sons Inc. for the Dry Run Creek Sanitary Sewer Improvements Project, Phase 2.

Resolution #21,836, approving and authorizing execution of a Professional Service Agreement with AECOM Technical Services, Inc. for the Olive Street Box Culvert Replacement Project.

Resolution #21,837, approving and accepting a Temporary Easement from CF Gateway Park, Inc., in conjunction with Gateway Business Park at Cedar Falls I.

Resolution #21,838, approving and accepting a Temporary Easement from Shri Mahaganapati and Hanumanta, Inc., in conjunction with Gateway Business Park at Cedar Falls I.

Resolution #21,839, approving and authorizing execution of a First Amendment to Developmental Procedures Agreement with CF Gateway Park, Inc. relative to Gateway Business Park at Cedar Falls I.

Resolution #21,840, approving and accepting completion of public improvements in Gateway Business Park at Cedar Falls I. (contingent upon approval of related First Amendment to Developmental Procedures Agreement)

Resolution #21,841, setting January 20, 2020 as the date of public hearing on the proposed FY2020-FY2025 Capital Improvements Program (CIP).

Resolution #21,842, setting January 20, 2020 as the date of public hearing to consider entering into a proposed Agreement for Private Development with SDC Real Estate, L.L.C.

Resolution #21,843, setting January 20, 2020 as the date of public hearing to consider entering into a proposed Second Agreement for Private Development with Standard Distribution Co.

Resolution #21,844, setting January 20, 2020 as the date of public hearing to consider entering into a proposed Amended and Restated Agreement for Private Development with Owen 5, 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, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolutions #21,833 through #21,844 duly passed and adopted.

52619 - It was moved by deBuhr and seconded by Miller that Resolution #21,845, approving the recommendation of the Director of Public Safety Services and City Administrator by appointing Craig Berte as Acting Police Chief, be adopted. Following questions by Councilmembers Harding, Sires and Miller, Rick Sharp, 1623 Birch Street, Whitney Smith, 2904 Neola Street, Scott Dix, 7821 North

Union Road, Janesville, and responses by the Mayor, Public Safety Services Director Olson 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, Darrah. Nay: Harding, Sires. Motion carried. The Mayor then declared Resolution #21,845 duly passed and adopted.

- 52620 - It was moved by deBuhr and seconded by Miller that Resolution #21,846, approving and adopting certain revised Personnel Policies, be adopted. Following a question by Councilmember Sires and response by Finance & Business Operations Director Rodenbeck, it was moved by Harding and seconded by Sires to table the motion until the January 20, 2020 Council meeting. Motion to table failed 2-4 with Councilmembers Miller, deBuhr, Kruse and Darrah voting nay.

Following additional questions and comments by Scott Dix, 7821 North Union Road, Janesville, Whitney Smith, 2904 Neola Street, Councilmembers deBuhr, Miller and Harding, and responses by Finance & Business Operations Director Rodenbeck and City Attorney Rogers, the Mayor put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Darrah. Nay: Harding, Sires. Motion carried. The Mayor then declared Resolution #21,846 duly passed and adopted.

- 52621 - It was moved by Miller and seconded by Harding that Resolution #21,847, approving and authorizing execution of Supplemental Agreement No. 1 to the Professional Service Agreement with Ferrell Madden, LLC for the College Hill Area Study Amendment relative to the Cedar Falls Visioning & Zoning Code Update Project, be adopted. Following questions by Councilmembers Sires and Harding, comments by the Mayor and College Hill Partnership Executive Director Kathryn Sogard, 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, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #21,847 duly passed and adopted.

- 52622 - It was moved by Miller and seconded by Kruse that Ordinance #2962, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to establishing parking regulations, in conjunction with the implementation of recommendations from the Downtown and College Hill parking studies, be passed upon its first consideration. Engineer Technician Ray provided a brief summary of the proposed amendments and responded to a question by Councilmember Darrah. The Mayor then put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried.

- 52623 - It was moved by Miller and seconded by deBuhr that Resolution #21,848, approving the filling of the At-Large City Council vacancy by appointment, directing publication of notice of the same, and establishing the application filing deadline and date of appointment, be adopted. City Administrator Gaines responded to questions by Councilmembers Miller, deBuhr, Sires and the Mayor.

Nick Taiber, 1709 Clay Street, spoke in support of the appointment and commented on election integrity.

The following individuals spoke in opposition to the appointment and in support of a special election:

Stan Smith, 3221 Pleasant Drive
LeaAnn Saul, 1825 Greenhill Road
Ron Florey, 301 Spruce Hills Drive
Minette Anderson, 2508 Union Road
Whitney Smith, 2904 Neola Street
Rosemary Beach, 5018 Sage Road
Nate Didier, 501 Barbara Drive
Scott Dix, 7821 North Union Road, Janesville
Rick Sharp, 1623 Birch Street
Tracy Sulentic, 1008 Rocklyn Street
Sharon Regenold, 108 Lilliput Lane

Following additional questions and comments by Councilmembers deBuhr, Harding, Kruse, Darrah, Sires and Miller, and responses 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, Darrah. Nay: Harding, Sires. Motion carried. The Mayor then declared Resolution #21,848 duly passed and adopted.

- 52624 - It was moved by deBuhr and seconded by Kruse that the bills and payrolls of January 6, 2020 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, Harding, Darrah, Sires. Nay: None. Motion carried.
- 52625 - Councilmember Sires thanked Councilmember Miller for his work and support of improvements at the North Cedar Elementary School.
- 52626 - Councilmembers deBuhr and Kruse responded to comments by Whitney Smith, 2904 Neola Street, regarding a special election.

LeaAnn Saul, 1825 Greenhill Road, expressed appreciation for the interaction at the meeting.

Public Works Director Schrage and Public Safety Service Director Olson responded to comments by Tracy Sulentic, 1008 Rocklyn Street, regarding the position of Police Chief and North Cedar runoff.

Thomas Frein, 1315 Austin Way, spoke about voter turnout.

Jess Wittenburg, 4319 Wynnewood Drive, congratulated Mayor Green and new Councilmembers Harding and Sires on their election wins.

Rick Sharp, 1623 Birch Street, commented on low voter turnout and advocated for more town hall meetings.

Stan Smith, 3221 Pleasant Drive, spoke about city council appointments.

Paul Rider, 3422 Clearview Drive, spoke about making decisions based on economics and safety.

Ron Florey, 301 Spruce Hills Drive, congratulated the mayor for the discussion during the meeting.

Penny Popp, 4805 South Main Street, congratulated the mayor and the public in attendance at the meeting.

Jeremy Sulentic, 1008 Rocklyn Street, expressed concerns about not providing insurance for city employees over age 65 and their families. Finance & Business Operations Director Rodenbeck responded to the speaker and Councilmember Miller.

Councilmember Kruse commented on the analytics of issues and using accurate information to make decisions.

Councilmember Sires requested to start each meeting with the pledge of allegiance and advocated to reestablish Council committees.

Mayor Green expressed appreciation for the dialogue at the meeting.

52627 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 9:18 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk