

**CITY HALL  
CEDAR FALLS, IOWA, MARCH 18, 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.

- 52224 - It was moved by deBuhr and seconded by Darrah that the minutes of the Regular Meeting of March 4, 2019 be approved as presented and ordered of record. Motion carried unanimously.
- 52225 - It was moved by Miller and seconded by deBuhr that the minutes of the Special Meeting of February 27, 2019 be approved as presented and ordered of record. Motion carried unanimously.
- Mayor Brown read a proclamation declaring March 2019 as National Nutrition Month and Luann Alemao commented.
- 52226 - Mayor Brown announced that in accordance with the public notice of March 8, 2019, this was the time and place for a public hearing to consider adopting the City's Code of Ordinances. It was then moved by Darrah and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52227 - The Mayor then asked if there were any written communications filed to the code adoption. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. City Attorney Rogers provided a brief summary and Jim Skaine, 2215 Clay Street, commented. There being no one else present wishing to speak about the code adoption, the Mayor declared the hearing closed and passed to the next order of business.
- 52228 - It was moved by Wieland and seconded by Darrah that Ordinance #2937, adopting the Code of Ordinances for the City of Cedar Falls, be passed upon its first consideration. Following questions and comments by Councilmembers deBuhr, Wieland and Darrah, and responses by City Attorney Rogers, 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.
- 52229 - Mayor Brown announced that in accordance with the public notice of March 8, 2019, this was the time and place for a public hearing on proposed rezoning from A-1, Agricultural District, to RP, Planned Residence District, of property located at the southeast corner of West 12th Street and Union Road, and also on an associated amendment to the Schematic Land Use Map by changing the designation from Greenways & Floodplain to Greenways & Floodplain and Planned Development. It was then moved by Darrah and seconded by Green

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

- 52230 - The Mayor then asked if there were any written communications filed to the proposed rezoning and associated amendment. 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 land use amendment. NewAldaya Lifescapes CEO Millisa Tierney, 7511 University Avenue, commented briefly. Mark Sigwarth, 1028 Cherrywood Drive, expressed concerns and requested that consideration be tabled. 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.
- 52231 - Mayor Brown asked for motion to pass a resolution amending the Schematic Land Use Map, by changing the designation from Greenways & Floodplain to Greenways & Floodplain and Planned Development, for property located at the southeast corner of West 12th Street and Union Road. There being no motion from Councilmembers, the Mayor announced that there would also be no consideration of the related rezoning ordinance listed as the next agenda item, and then passed to the next order of business.
- 52232 - Mayor Brown announced that in accordance with the public notice of March 8, 2019, this was the time and place for a public hearing on a proposed Amended and Restated Agreement for Private Development with Buckeye Corrugated, Inc. It was then moved by Darrah and seconded by Green that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52233 - 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. Planner II Graham provided a brief explanation and Jim Skaine, 2215 Clay Street, commented. There being no one else present wishing to speak about the Agreement, the Mayor declared the hearing closed and passed to the next order of business.
- 52234 - It was moved by Blanford and seconded by Wieland that Resolution #21,454, approving and authorizing execution of an Amended and Restated Agreement for Private Development and a Minimum Assessment Agreement with Buckeye Corrugated, Inc., 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 #21,454 duly passed and adopted.
- 52235 - Mayor Brown announced that in accordance with the public notice of March 8, 2019, this was the time and place for a public hearing on a proposed Agreement for Private Development with Martin Realty Company II, L.L.C. and payment of certain economic development grants pursuant to said proposed Agreement. It was then moved by Darrah and seconded by Green that the proof of publication

of notice of hearing be received and placed on file. Motion carried unanimously.

- 52236 - 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. Planner II Graham provided a brief explanation and Jim Skaine, 2215 Clay Street, commented. There being no one else present wishing to speak about the Agreement, the Mayor declared the hearing closed and passed to the next order of business.
- 52237 - It was moved by Darrah and seconded by deBuhr that Resolution #21,455, approving and authorizing execution of an Agreement for Private Development with Martin Realty Company II, L.L.C., be adopted. Following questions and comments by Councilmembers deBuhr, Wieland and Green, and responses by Planner II 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. The Mayor then declared Resolution #21,455 duly passed and adopted.
- 52238 - It was then moved by Blanford and seconded by deBuhr that agenda items 5, 6 and 7 relative to a proposed land use map amendment and rezoning, be reconsidered. Motion to reconsider carried unanimously.
- 52239 - It was moved by Blanford and seconded by Green that Resolution #21,456, amending the Schematic Land Use Map, by changing the designation from Greenways & Floodplain to Greenways & Floodplain and Planned Development, for property located at the southeast corner of West 12th Street and Union Road, be adopted. Following questions by Councilmembers deBuhr, Blanford, Miller and Kruse, and responses by Planner III Sturch and Community Services Manager Howard, 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 #21,456 duly passed and adopted.
- 52240 - Mayor Brown announced that in accordance with the public notice of March 8, 2019, this was the time and place for a public hearing on proposed rezoning from A-1, Agricultural District, to RP, Planned Residence District, of property located at the southeast corner of West 12th Street and Union Road. 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.
- 52241 - 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. Planner III Sturch provided a brief summary. There being no one else present wishing to speak about the rezoning, the Mayor declared the hearing closed and passed to the next order of business.
- 52242 - It was moved by Darrah 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 first consideration. Following questions by Councilmembers deBuhr, Miller and Kruse, and responses by Planner III Sturch, Fehr Graham Engineer Jon Biederman and 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.

52243 - It was moved by deBuhr 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 Hillery Oberle as a member of the Planning & Zoning Commission.

Approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:

- a) Jeanine Johnson, Historic Preservation Commission, term ending 03/31/2022.
- b) Leslie Prideaux, Planning & Zoning Commission, term ending 11/01/2021.

Receive and file the City Council Work Session minutes of March 4, 2019.

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

- a) Code Enforcement Officer.
- b) Communications Specialist.
- c) Economic Development Coordinator.
- d) Video Production Specialist.

Approve the request for temporary signs at various locations for the Waterloo-Cedar Falls Annual Coin Show on March 25-31, 2019.

Approve the request for a temporary sign at 4520 Rownd Street for Valley Lutheran School on April 12, 2019.

Approve a request for parking variances for the St. Patrick Church Garage Sale on April 24-26, 2019.

Approve the following applications for beer permits and liquor licenses:

- a) Godfather's Pizza, 1621 West 1st Street, Class B beer - renewal.
- b) Barn Happy, 11310 University Avenue, Class B native wine - renewal.
- c) Social House, 2208 College Street, Class C liquor & outdoor service - renewal.
- d) Lark Brewing, Deringer's Public Parlor & The Stuffed Olive, 314 Main Street, Class C liquor & outdoor service - new.
- e) Voodoo Lounge, 401 Main Street, Class C liquor - new.

Motion carried unanimously.

52244 - It was moved by Miller and seconded by Wieland to receive and file the Committee of the Whole minutes of March 4, 2019 relative to the following items:

- a) Planning & Zoning Commission Interview - Leslie Prideaux.
- b) 2019 Municipal Operations and Programs Work Plan.
- c) Bills & Payroll.

Following comments by Jim Skaine, 2215 Clay Street, and responses by Councilmembers deBuhr, Blanford, Green and Kruse, the motion carried unanimously.

52245 - It was moved by Wieland and seconded by Green that the following resolutions be introduced and adopted:

Resolution #21,457, approving and adopting revised job classifications for the positions of Director of Public Works and Director of Community Development relative to the reorganization of City operations.

Resolution #21,458, approving and authorizing execution of a Facilities Use Agreement with Northeast Iowa Area Agency on Aging, Inc. (NEI3A) relative to use of the Community Center.

Resolution #21,459, approving and authorizing execution of four Owner Purchase Agreements, and approving and accepting four Temporary Construction Easements, in conjunction with the Oak Park Sanitary Sewer Repair Project.

Resolution #21,460, receiving and filing the bids, and approving and accepting the low bid of Peterson Contractors, Inc., in the amount of \$13,561,862.40, for the West 1st Street Reconstruction Project.

Resolution #21,461, approving and authorizing execution of an application to the Black Hawk County Metropolitan Area Transportation Policy Board (MPO) for Surface Transportation Block Grant (STBG) funding relative to the Main Street Reconstruction Project.

Resolution #21,462, approving and authorizing execution of an application to the Black Hawk County Metropolitan Area Transportation Policy Board (MPO) for Iowa's Transportation Alternatives Program (TAP) funding relative to the Lake Street Trail Project.

Resolution #21,463, approving and authorizing execution of a Farm Lease Agreement with Michael Greiner relative to property located west of the West Viking Road Industrial Park.

Resolution #21,464, approving and authorizing execution of Supplemental Agreement No. 4 with Snyder & Associates, Inc. for 2019 Engineering Services relative to the Industrial Park Expansion Project.

Resolution #21,465, approving the Industrial Park Land Acquisition and Engineering/Design Services Project in the Cedar Falls Unified Highway 58 Corridor Urban Renewal Area.

Resolution #21,466, receiving and filing, and setting April 1, 2019 as the date of public hearing on, the proposed plans, specifications, form of contract & estimate of cost for the 2019 Permeable Alley Project.

Resolution #21,467, setting April 1, 2019 as the date of public hearing on proposed amendments to Section 26-181 (formerly 29-160), CHN, College Hill Neighborhood Overlay Zoning District, of Chapter 26 (formerly 29), Zoning, of the Code of Ordinances relative to certain provisions in the College Hill Neighborhood Overlay Zoning District.

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 #21,457 through #21,467 duly passed and adopted.

52246 - It was moved by Darrah and seconded by Miller that Resolution #21,468, approving and authorizing execution of one Owner Purchase Agreement and one Tenant Purchase Agreement, and approving and accepting one Owner's Temporary Grading Easement for Construction and three Public Utility Easements, in conjunction with the West 1st Street Reconstruction Project, be adopted. Following comments by John Roth, 4212 Sterling Lane, question by Councilmember deBuhr, and responses by Community Development Director Sheetz and City Attorney Rogers, 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 #21,468 duly passed and adopted.

52247 - It was moved by Kruse and seconded by Blanford that the bills and payroll of March 18, 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.

52248 - Councilmembers Miller and Darrah expressed appreciation to the Municipal Operations and Programs staff for their assistance during recent flooding.

It was then moved by Miller and seconded by Blanford to refer for further discussion the accuracy of river level readings. Following additional comments by Councilmembers Kruse and Darrah, the motion carried unanimously.

52249 - Community Services Director Sheetz announced the April 2, 2019 public meeting to kick off the Downtown Visioning project.

Mayor Brown announced that due to flooding, the northern Cedar Falls voting location for the Special Election on March 19, 2019 was relocated to City Hall.

Public Works and Parks Manager Heath provided an update on the recent flooding and responded to a question by Councilmember Green regarding a

recent flood preparedness exercise.

52250 - It was moved by Green and seconded by Wieland to adjourn to Executive Session to evaluate the performance of the City Administrator pursuant to Iowa Code Section 21.5(1)(i), 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.

52251 - Community Services Director Sheetz responded to flooding concerns expressed by Jeremy Sulentic, 1008 Rocklyn Street, and to a question by Councilmember Blanford.

Dale Ohl, 3609 Clearview Drive, commented about the public safety program and hiring more firefighters.

Community Services Director Sheetz and City Attorney Rogers responded to private property nuisance (pot hole) concerns expressed by Eashaan Vajpei, 3831 Convair Lane, and related questions by Councilmembers Blanford and Kruse and Mayor Brown.

Penny Popp, 4805 South Main Street, commented on participation during public meetings and made personal comments about Councilmember Miller.

Councilmember Darrah and Public Works and Parks Manager Heath responded to comments by Roger White, 2303 Greenwood Avenue, speaking on behalf of the Cedar Falls Bicycle Pedestrian Advisory Committee regarding clearing trails. City Administrator Gaines responded to related questions and comments by Mayor Brown and Councilmembers Blanford, Darrah and Kruse.

Andrew Shroll, 930 Newman Avenue, also commented on the trail conditions.

Jim Skaine, 2215 Clay Street, commented on the value of the Industrial Park, roads conditions in his neighborhood and signalized intersections instead of roundabouts.

Mayor Brown commented on the City of Cedar Falls lower tax rate when compared to other cities in the state of Iowa.

The City Council adjourned to Executive Session at 8:58 P.M.

Mayor Brown reconvened the Council Meeting at 10:54 P.M. and stated that performance of the City Administrator had been discussed and no further action was required at this time.

52252 - It was moved by Green and seconded by Kruse that the meeting be adjourned at 10:55 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk