



DEPARTMENT OF ADMINISTRATIVE SERVICES

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**MEMORANDUM**  
Administration Division

**TO:** Mayor Crews and City Council  
**FROM:** Richard McAlister, Director of Administrative Services  
**DATE:** October 22, 2008  
**SUBJECT:** Northern Cedar Falls Vision Committee Report

Attached is a copy of the Citizens' Visioning Committee for the Reuse and Redevelopment of Northern Cedar Falls report prepared by Jeff Schott, who facilitated the Committee's meetings. Gary Winterhof the Committee Chairman will appear before the City Council on Monday, October 27 to formally present a summary of the Committee's findings.

Included with the report are recommended "Implementation Strategies" prepared by City staff that were formulated as a means of offering workable solutions to the City Council that can be undertaken in a logical and sequential manner to address many of the issues raised by the Committee. The "Implementation Strategies" are not intended to be all inclusive as additional initiatives will be recommended when the results of specific recovery efforts (for example buy-outs) are completed and specific consultant conclusions become available.

We would ask that the City Council refer the Northern Cedar Falls Vision Committee recommendations and the City staff developed "Implementation Strategies" to the Community Relations and Planning Committee for analysis.

If you have additional questions please feel free to contact me.

## **RECOMMENDED OBJECTIVES AND IMPLEMENTATION STRATEGIES**

City Staff based on the Citizens' Visioning Committee for the Reuse and Redevelopment of Northern Cedar Falls findings developed the following seven "core" objectives for City Council consideration. Implementation strategies were then formulated as a means of offering workable solutions to the City Council that can be undertaken in a logical and sequential manner to address many of the issues raised by the Committee.

(Please recognize that these objectives and implementation strategies are not all inclusive, additional initiatives will surface, as the recovery efforts continue.)

### **Objective 1:**

- Increase the level and aggressiveness of City code enforcement activities north of the river.

### **Implementation Strategy:**

- All building and zoning laws will be applied according to adopted codes when any property owner is involved in new construction, remodeling or making building additions.
- Code enforcement staff in the spring of 2009 can target all areas north of the river for any code violation with primary focus on property maintenance or rental code violations, if so directed by the City Council.

If directed by the City Council to target the area north of the river, property owners with violations will be notified of violations and then informed of the type of corrective actions required with designated compliance deadlines set within the notice.

- Police patrol involvement in property code violations will be increased through out 2009 by reporting obvious violations to Code enforcement for resolution.
- As of September 20, 2008 an increased Police presence was placed in the area focusing on traffic related code violations (speeding and parking). Additionally, the "speed trailer" was placed in the area to monitor the severity of speed related concerns to determine if ordinance or traffic calming changes need to be considered.

### **Objective 2:**

- Improve the appearance of Cedar Falls neighborhoods and specifically the Center Street gateway or corridor.

**Implementation Strategy:**

- The City Council should consider retaining a consultant during the winter of 2009 to design a Center Street streetscape plan that forms a welcoming and unique visual identity for the area. This action would occur if the City Council approves such a project within the FY09 – FY14 CIP during the fall of 2008.

Conceptually, improvements may include:

- Curbing
  - Landscaping
  - Sidewalks and trails to connect to the Franklin Street Bridge
  - Improved street lighting
  - Comprehensive trail/sidewalk plan within neighborhoods to connect to the Center Street corridor. (See Objective 5 below for school references)
- Program the construction expenses, as estimated by the consultant, in the CIP allowing for a 2-3 year phased construction process potentially occurring during the 2010 – 2012 construction seasons, if so approved in the CIP by the City Council.
  - Continue efforts annually to resurface at least ½ to 1 mile of previously seal coated streets to improve roadway surfaces, subsurface street drainage and neighborhood aesthetics as a part of the City's Local Option Sales Tax Street Repair Program.
  - Retain a consultant or evaluate with in-house engineering staff select areas where swamp like conditions (prolonged standing water) exist to determine if the areas can be effectively drained or if they should be simply filled or converted into natural wetlands.

**Objective 3:**

- Redevelop as much of the 100-year flood plain into open space as possible.

### **Implementation Strategy:**

- Retain a consultant to prepare a long-range Riverfront Plan that focuses on converting flood plain areas into wetland, lowland forests, farm fields/gardens, lake and open space recreational opportunities thru the consolidation of properties acquired via buy-outs into manageable tracts once the scope and location of buy-outs is determined.

The consultant should be retained once buy-outs have progressed to the stage where it is clear how many properties will be purchased based on available Federal and State funds.

- Select specific areas to be purchased with City funds as opposed to FEMA funding, where reuse of the property will be needed for open space support facilities (for example: public restrooms, open air shelters, recreation equipment storage sheds, lift stations and playgrounds) or the full consolidation of larger manageable parcels.
- Maximize efforts to purchase as many structures within the 100-year flood plain as possible with FEMA, CDBG and State funds when property owners seek purchase.

### **Objective 4:**

- Stimulate economic growth in northern Cedar Falls in areas outside of the 100-year flood plain.

### **Implementation Strategy:**

- Develop a Federal/City financed industrial park east of US 218, near the Lone Tree Road interchange along Leverage Road, if approved by the City Council in the FY09 – FY14 CIP.
  - Purchase, rezone, form TIF district and plat property in 2009
  - Secure Federal EDA grants in 2009
  - Begin construction in 2009
  - Offer business expansion and relocation incentives consistent with those offered in the southern Cedar Falls Industrial Park.
  - As a part of the project grant seek funding to extend access from Lone Tree Road or Lincoln Street. (Lererse Road is jointly owned by the cities of Waterloo and Cedar Falls making the street complicated to improve on short notice. Quick response is

needed to provide adequate industrial sites making the development of a cooperative project unlikely, based on the time required to adopted cost sharing 28E agreements in the past.)

- Encourage development of retail businesses near the northeast corner of Lone Tree Road & Center Street and the Lone Tree Road interchange that may include such uses as a grocery store, pharmacy and strip mall.
  - Request that the Planning and Zoning Commission amend the City's Land Use Plan to determine areas that can be pre-zoned by the City to assist in stimulating economic growth.
  - Based on Planning and Zoning Commission recommendations initiate rezoning procedures for undeveloped privately held lands into planned commercial districts in 2009. This action will eliminate one expense in the developmental process, speed the approval process, identify neighborhood concerns and offer the opportunity to impose developmental limitations in response to founded neighborhood concerns.
  - Private sector retail business location decisions are driven by the size of the population base within a specific service radius, traffic adjacent to the site and location visibility.

Industrial and residential growth in the area north of the river are the only means to an increase in population or traffic north of the river that will entice the private sector to invest in retail development. If an underlying determination is made to strictly prohibited development in the 100-year flood plain; that decision will result in a limited amount of available area for new growth to generate the traffic or population base needed.

- Public sector options to stimulate retail growth are limited because the private sector will not locate knowing that the core elements for business success are not available (traffic and population base).

Typically, the City does not provide incentives for retail development. Due to the flood it may be justifiable to have a targeted area in northern Cedar Falls where incentives can be offered but not in other sections of the City.

- Consider the financial viability of creating a linear TIF district from the Cedar River to Lone Tree Road along

both sides of Center Street and one surrounding the Lone Tree road interchange to be used as an economic development tools to encourage business to locate in the area.

- Stimulate private sector residential development in areas outside of the 100-year flood plain where public water & sewer service are available. (Areas of interest include northeast of the Lone Tree Road and Center Street intersection and the area northwest of Tomahawk Lane and Joy Street).
  - Request that the Planning and Zoning Commission amend the City's Land Use Plan to determine areas that can be pre-zoned by the City to assist in stimulating residential growth including mixed uses (duplexes, townhouses and condos).
  - Based on Planning and Zoning Commission recommendations initiate rezoning procedures for undeveloped privately held lands into residential districts in 2009. This will eliminate one expense in the developmental process, speed the approval process, identify neighborhood concerns and impose developmental limitations in response to founded neighborhood concerns.
  - Seek State and Federal funding for streets, sewers and water line extensions that will decrease construction expenses and result in new affordable housing.
  - The extension of a public sewer trunk line (see Objective 6 below) into the Maverick Avenue and Mustang Road area has the possibility of stimulating private sector investment into a new residential development area outside of the flood plain. This sanitary sewer trunk line will be extremely expensive due to its depth. This improvement will need to be weighed against other mandatory sewer system improvements as a part of the CIP approval process.

The typographic and geologic characteristics of this area present problems. The area would be surrounded by water during a 100-year flood event and it likely has a high water table based on issues in the surrounding area making slab construction vs. basements the safest long-term construction option. If the water table is a factor, this construction technique in Iowa typically lowers the marketability of the structures, which deters some home contractors and prospective buyers.

- The development of a City subsidized new moderately priced subdivision as conceptual merit but logistically and financially the idea may not be feasible or provide the most benefit to flood victim based on the time and expense incurred.

The expense of buying land, installing sewers, streets, water lines, and other utilities and then deeding the land to eligible flood victims even with some State or Federal grants will be difficult to cash flow. Bear in mind that the recovery of local contributions with TIF revenues generated from the development will take an extended period of time because of the base value of “affordable” housing creates a smaller increment and the fact that only 45% of that smaller increment will be taxed due to the State rollback formula.

Logistically, acquiring land will extend into 2009, construction will require all of the 2009 construction season, if not more depending on weather, making 2010 the earliest that home construction could begin. At that stage the challenge becomes how to determine who should be eligible to secure ownership of a limited number of lots and under what conditions. Once eligibility is determined probably the greatest obstacle will be reached and that is finding contractors that are willing and find it profitable to construct “affordable” housing.

It has been suggested that subdivision standards be reduced to drive down the cost of lots. This can be done but it basically becomes a “pay me now or pay me later” scenario. Lower standards result in higher maintenance costs in the long-term and ultimately a reconstruction. Reduced standards also raise a very difficult policy issue involving equity and fairness when local developers ask to be treated the same. The justification for subdivision construction standards are for safety, durability and maintenance related reasons. If the City lowers those standards there may well be a legal obligation to do the same for the private sector.

Such a project will be highly staff intensive work and the City Council will need to determine if this time can be more productively utilized elsewhere in recovery efforts as opposed to focusing on a project that only creates a small number of homes (20-30 lots) with over a 2-3 year time period.

**Objective 5:**

- Maintenance of a neighborhood school.

### **Implementation Strategy:**

- The City does not have jurisdiction in the location of public schools but special efforts should be made to convey to the Cedar Falls School Board the importance of the North Cedar Elementary School to neighborhood vitality.
  - A resolution can be passed by the City Council that is forwarded on to the School Board that expresses the value of an elementary school to the northern Cedar Falls community.
  - Expansion and remodeling of the existing school is limited by space and site topography. The City can convey to the School Board a willingness to discuss property swaps, land acquisitions, cutback street parking, directional traffic, street realignments or street vacations that make the area safer and site more conducive for expansion, if that results in making the school more viable in the long-term. (This would be an emulation of the type of City/School cooperation that was required to successfully construct Lincoln School.)
  - A joint School/City effort to develop a larger playground/park and improved drainage can be evaluated by determining if the School Board is willing to jointly participate.
  - Jointly develop with School staff “home-to-school” pedestrian routes as a part of Objective 2 (above) that extends sidewalks into select areas linking residential areas to the School along with an upgrading of the Center Street and Lone Tree Road pedestrian crossings.
  - The North Cedar Citizen Visioning Committee placed a high priority on the development of an early childhood program located at North Cedar School to assist families in need while encouraging families to remain in the area rather than relocate to other neighborhoods or communities following the flood of 2008. This neighborhood objective can be conveyed to the School Board as a part of a City Council resolution.

### **Objective 6:**

Develop, implement and enforce more restrictive flood plain regulations.

### **Implementation Strategy:**



- Enforcement of flood plain regulations starts with government complying with the same regulations imposed on the private sector.
  - Based on the results of a 2006 Iowa Supreme Court Case (K&W Electric, Inc. vs., the State of Iowa) and Iowa Code Sections 669.13 & 669.14 (providing State immunity from claims for roadway design and construction) consideration of filing a liability claim on behalf of the City and affected property owners north of the river against the State of Iowa (IDOT) for the damages caused due to their failure to properly elevate the US 218 structures above the 100-year flood elevation would not appear to be a viable option.

The City Council can however extend to the IDOT and to our local legislative delegation a request that a study be undertaken to determine if corrective actions can be made to reduce the impact of the US 218 structures, at State expense.

- Provide educational sessions to the Board of Adjustment and legal assistance to ensure that they recognize that special exceptions or variances to flood plain regulations should be minimal and only when such an action meets the test of a true “hardship” as defined by judicial decisions.
  - The North Cedar Visioning Committee was unanimous in the view that property owners located in the floodway should be allowed to rebuild, if their residential structures are destroyed more than 50%. (This Committee position also encompassed the Beach House.)

The critical aspect of this finding was to limit “rebuilding” to the “existing” building footprint with the rebuilt structure meeting current flood protection requirements (elevation of the structure and all electrical/mechanical systems) without additional fill (the structure would need to be elevated on piers).

Of greatest importance was the position that no “new” development (footprints) would be allowed in the floodway what so ever.

- Develop a flood plain management ordinance that allows property owners to rebuild after the 2008 flood event under more rigid standards.
  - The standard would generally be to allow construction and reconstruction within the 100-year flood plain, if the improvement is elevated 2 feet above the 100-year flood plain elevation (it would be

recommended that the property owner consider construction at the 2008 flood elevation if it is feasible to reach that level).

If fill is required to meet this elevation (as opposed to construction on piers) the fill must be secured from within City approved sites in the Cedar Falls 100-year flood plain or floodway areas to offset the fill placed on the new site. Conceptually, sites secured by the City from buy-outs where wetland, rain gardens or lakes are planned in the long-term could be approved borrow sites.

- The City Council pursue with local State elected officials changes in Iowa statutes, preparation of studies and provision of financial grants that offer alternative solutions to flooding problems on the Cedar River.
  - Adopt statutes and rules that more strictly regulate the use of farm tiling statewide and storm water controls to better regulate run-off from impervious surfaces created by urbanized development.
  - Complete an engineering study of the US 218 flood obstruction issue to secure recommendations on alternative structural changes that will reduce flood impacts on surrounding private property.
  - Complete an engineering study on the entire Cedar River basin to determine methods of reducing flood impacts. Because a levee is not feasible in northern Cedar Falls an upstream reservoir should be analyzed that would benefit Charles City, Waverly, Cedar Falls, Cedar Rapids and other downstream communities.
  - Request that grants be considered during the next legislative session that provides direct State assistance for infrastructure and housing improvements within Cedar Falls.

**Objective 7:**

- Extend new and improve public infrastructure systems in areas north of the river.

**Implementation Strategy:**

- The underlying objective of Objective 6 (above) is the elimination of existing structures in the flood plain and restrictions on any new growth or filling in the flood plain. This objective makes the wisdom of extending public water and sewer into flood prone areas unwise because the availability of this expensive infrastructure would promote growth, redevelopment and reinvestment by the private sector into areas where open space is deemed to be more appropriate in the long-term.

- Looped water systems are required to maintain water pressure. In unserved flood prone areas where a loop “must be” constructed and where concentrations of homes exist without services connection to the public water service should be encouraged.
  - The City Council does not control or manage the public water system within the City. The system is solely controlled by CFU but the City is in a position to ask CFU to make such services available, as cost effectively as possible, via 10-year assessments and financing programs that cash flow up to 50% of the total construction expense.
    - Encourage CFU to continue to cash flow the extension of mains, if 50% of the benefited property owners agreed to connect and pay for their pro-rated share over a 10-year period.
    - The City Council should request that CFU resurvey property owners to determine if there is a desire of 50% of an area to participate in a water main extension program.
    - The City can assist by reducing the cost of system extensions by paying for all water hydrant expenses typically transferred on to the benefited property owners. (This was recently done in the Cherrywood area.)
    - The City can attempt to secure Federal, State and local Gaming grants that assist CFU in the financing of water main extension.
    - Due to complications imposed by the flood or 2008 and a struggling bond market it may be difficult for the Cedar Falls Utilities to cash flow or bond for water line extensions. Ultimately, timing will be driven by financial capabilities and a consensus of property owners that they are willing to pay for a prorated share of the improvements.
    - Should 50% of the property owners elect to not contribute toward a public water system under the conditions offered by CFU; they should then be encouraged by the City to terminate use of existing sand point wells and install at their expense deep wells as required by the Black Hawk Health Department.

- Public sewer services in northern Cedar Falls are generally of adequate capacity and sized for growth in the area. The difficulty of extending public sewer into some areas is that development was allowed to occur in strips along county roads without regard to natural drainage channels where sewers need to be placed to allow for gravity flow operation.
  - It is possible for the City to extend trunk line into areas where density or developmental potential (outside of the 100-year flood plain) exist. Many of the areas not serviced do not meet this criterion (portions of Joanne Street and portions of Lone Tree, Dunkerton Road and Big Woods Road). As noted earlier in this report the sanitary sewer trunk lines to some of these areas will be extremely expensive due to their depth. These improvements will need to be weighed against other “mandatory” sewer system improvements as a part of the CIP approval process that involves sewer bonds and sewer rate changes. The City like CFU faces bond-financing limitations due to the economy and mandatory sewer system improvements imposed by the DNR and EPA.
    - The City Council as a part of the CFU water survey should also survey residents in the area to determine if at least 50% are willing to pay an assessment for local collection lines, laterals and service lines including interior plumbing work to disconnect septic tanks and redirect flows to front lot lines where the public sewer will be located.
    - If 50% of the property owners are willing to pay an assessment charge the City Council should consider cash flowing the extension of a sanitary sewer trunk line into this area leaving the prorated expense for trunk lines, local collection lines, laterals and service lines to the benefited property owners. (This policy and practice would be consistent with the extensions made to Cherrywood and the Stanley/Shirley Street areas in the past.)

This extension would be subject to the City Council budgeting said improvement within the FY09 – FY14 CIP and the City’s ability to sell sanitary revenue bonds within a struggling bond market to undertake the project.

- If there is a 50% interest, an assessment program can be initiated by the City. City sewer ordinance requires that dwellings within 200 feet of an accessible sewer line must connect. When this section of code is applied all properties would be mandated to connect and pay their prorated share over a 10-year period. The assessments are income tax

deductible in the same manner as property taxes are annually by the assessment program, they require a  $\frac{3}{4}$  vote of City Council to implement and the maximum assessment can be no more than 25% of the properties assessed value. Significant objections from the 50% opposed could easily sway two City Council members to oppose an assessment and the project would fail.

- The option that may well be the palatable is for the City to utilize the Sewer Tapping Fee ordinance to assess via individual contracts the 50% that wish to pay for service and charge a tapping fee equal to the prorated amount owed by those that do not connect immediately when they desire to do so or when their septic tanks are deemed by the Black Hawk County Health Department to be a public health nuisance.
- A levee north of the river is not a financially or structurally viable option due to topographic limitations. Clearly large portions of northern Cedar Falls will always flood, resulting in Objective 3 above. Recognizing that a 100-year or 500-year flood events will create islands of properties surrounded by water without an ability to enter or exit special plans should be devised to best accommodate the area during a flood of large magnitude.
  - The City should contact the IDOT and Black Hawk County to ask that consideration be given to elevating select roads that were submerged by the 2008 flood to made access to and from northern Cedar Falls readily available for a longer period of time.
  - The City should consider elevating Lone Tree Road and Dunkerton Road in select locations when the roads are scheduled for replacement insuring that there is additional capacity to convey flood flows beneath the roadway for a longer period of time before the roadway is eventually overtopped.
  - The City should implement mandatory evacuations of flood prone areas in the future until accesses to the flood areas are safe for travel and occupancy.
  - The City should maintain a Fire, Police and EMS presence in the island area of northern Cedar Falls with plans in place to boat or helicopter out any citizens in distress.

- Maps and charts noting when select events occur during a flood (for example when water overtops a roadway) will be prepared and distributed throughout the area.
- E-mail and telephone notices of potential flood and evacuation measures will be established to notify residents of the events status.
- Door to door notifications by firefighters will continue to occur recognizing that technology will not reach everyone promptly.