

**CITY HALL  
CEDAR FALLS, IOWA, APRIL 2, 2018  
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.

- 51797 - It was moved by Green and seconded by Darrah that the minutes of the Regular Meeting of March 19, 2018 be approved as presented and ordered of record. Motion carried unanimously.

The Mayor then read a proclamation declaring the week of April 8<sup>th</sup> - 15<sup>th</sup>, 2018 as Days of Remembrance and University of Northern Iowa Director for Holocaust and Genocide Education Stephen Gaies commented.

- 51798 - The Mayor then asked if there were any agenda revisions. City Clerk Danielsen advised that there were no agenda revisions, and noted that communications received after the Council packet was completed had been placed in front of Councilmembers and included in the back of the Council Packet Binder that is provided at each meeting for public review.
- 51799 - Mayor Brown announced that in accordance with the public notice of March 23, 2018, this was the time and place for a public hearing on proposed amendments to Chapter 29, Zoning, of the Code of Ordinances relative to removal of familial terminology to be in conformance with the Code of Iowa. It was then moved by Miller and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 51800 - The Mayor then asked if there were any written objections filed to the proposed amendments. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Planner I Lehmann commented briefly on the proposed ordinance amendments. There being no one else present wishing to speak either for or against the proposed amendments, the Mayor declared the hearing closed and passed to the next order of business.
- 51801 - It was moved by Green and seconded by Miller that Ordinance #2922, amending Chapter 29, Zoning, of the Code of Ordinances relative to removal of familial terminology to be in conformance with the Code of Iowa, be passed upon its first consideration. Following a question by Councilmember Kruse and response by City Planner I Lehmann, 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.
- 51802 - Mayor Brown announced that in accordance with the public notice of March 23, 2018, this was the time and place for a public hearing on the proposed sale and conveyance of Lot 5, West Viking Road Industrial Park, Phase II to Midwest Development Co. and Skogman Homes and to consider entering into a proposed

Real Estate Purchase Agreement with Midwest Development Co. 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.

- 51803 - The Mayor then asked if there were any written objections filed to the proposed sale and conveyance. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Planner III Sturch commented briefly on the proposal. There being no one else present wishing to speak either for or against the proposed sale and conveyance, the Mayor declared the hearing closed and passed to the next order of business.
- 51804 - It was moved by Blanford and seconded by Wieland that Resolution #21,029, approving and authorizing execution of a Real Estate Purchase Agreement with Midwest Development Co., and approving and authorizing execution of a Quit Claim Deed conveying title to certain real estate to Midwest Development Co., 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 #21,029 duly passed and adopted.
- 51805 - It was moved by Miller and seconded by Green that the rules requiring Ordinance #2918, amending Chapter 6, Animals, of the Code of Ordinances relative to butchering and disposal of dead animals, 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 #2918 duly passed and adopted.
- 51806 - It was moved by Blanford and seconded by deBuhr that Ordinance #2920, vacating a portion of Dallas Drive right-of-way, 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.
- 51807 - It was moved by Wieland and seconded by Green that the rules requiring Ordinance #2920, vacating a portion of Dallas Drive right-of-way, to be considered at three separate meetings, be suspended. 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.

It was then moved by Darrah and seconded by Wieland that Ordinance #2920, vacating a portion of Dallas Drive right-of-way, 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 #2920 duly passed and adopted.

- 51808 - It was moved by Green and seconded by Kruse that Resolution #21,030, approving and authorizing execution of an Agreement for the vacation of Dallas Drive public

right of way with John G. Investments, Inc., and approving and authorizing execution of a Quit Claim Deed conveying title to vacated right of way to John G. Investments, 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 #21,030 duly passed and adopted.

- 51809 - It was moved by Darrah and seconded by Miller that Ordinance #2921, amending Chapter 7, Buildings and Building Regulations, of the Code of Ordinances relative to the adoption by reference of the 2017 Edition of the National Electrical Code and certain amendments thereto, 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.
- 51810 - It was moved by Green and seconded by Wieland to remove from the table the motion by Wieland and second by Green to reconsider action taken relative to a Highway Corridor and Greenbelt (HCG) Overlay Zoning District site plan for construction of a convenience store/gas station and detached carwash on Lots 33 & 34 of Pinnacle Prairie Business Center North (4515 Coneflower Parkway). Motion to remove from the table carried unanimously.
- 51811 - It was moved by Green and seconded by Wieland that Resolution #21,031, approving a Highway Corridor and Greenbelt (HCG) Overlay Zoning District site plan for construction of a convenience store/gas station and detached carwash on Lots 33 & 34 of Pinnacle Prairie Business Center North (4515 Coneflower Parkway), be adopted. City Planner III Sturch commented briefly on the proposed site plan and he and City Engineer Resler responded to questions by Councilmembers deBuhr, Wieland, Darrah, Miller and Kruse.

The following individuals spoke opposed to the proposed site plan:

Jim Skaine, 2215 Clay Street  
Ron Flory, 301 Spruce Hills Drive  
Mike Stout, 206 Spruce Hills Drive  
Jill Fisher, 203 Cordoba Avenue  
Steve Kelly, 223 Spruce Hills Drive (submitted letter after speaking)  
Kathy McCormack, 4022 South Lawn Road  
Stephen Ephraim, 327 Balboa Avenue  
Stephen Tripolino, 320 Balboa Avenue  
Teresa Martin, 4107 Stewart Lane  
Jerry Dixon, 218 Spruce Hills Drive  
Kathy Barfels, 305 Spruce Hills Drive  
Craig Fairbanks, 405 Spruce Hills Drive  
Gary McCormack, 123 Spruce Hills Drive  
Penny Popp, 4805 S. Main Street  
Redgie Blanco, 318 Alvarado Avenue  
Nino Costarella, 401 Heritage Road  
Lynn Barnes, 118 Cordoba Avenue

The following individuals spoke in support of the proposed site plan:

Brady Gruhm, 4025 Carlton Drive  
John Dutcher (owner of Balboa Point), 1238 Clark Drive

Rosemary Beach, 5018 Sage Road, spoke about the city's motto and customer service.

The following individuals spoke on behalf of the petitioner:

Mike Schoppe, Schoppe Design Associates, 126 S. Main Street, Oswego, Illinois, spoke about the Pinnacle Prairie Business Park master plan.  
Leah Berlin, Kwik Star representative

Following a question by Councilmember deBuhr, response by Ms. Berlin and comments by all Councilmembers, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Blanford, Darrah, Wieland. Nay: deBuhr, Kruse, Green. Motion carried. The Mayor then declared Resolution #21,031 duly passed and adopted.

The Mayor then announced a short recess from 9:50 P.M. to 9:58 P.M.

51812 - It was moved by Wieland and seconded by Darrah that Resolution #21,032, approving and authorizing execution of a Developmental Procedures Agreement with Greenhill Estates, Inc. relative to public improvements in the vicinity of the Greenhill Road and Coneflower Parkway intersection, be adopted. Following a brief explanation by Planner III Sturch, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Blanford, Darrah, Wieland, Green. Nay: Kruse. Motion carried. The Mayor then declared Resolution #21,032 duly passed and adopted.

51813 - It was moved by Darrah and seconded by Miller that Resolution #21,033, setting April 16, 2018 as the date of public hearing on the proposed vacation and dedication of utility easements on Lots 33 & 34 of Pinnacle Prairie Business Center North, 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, Blanford, Darrah, Wieland, Green. Nay: Kruse. Motion carried. The Mayor then declared Resolution #21,033 duly passed and adopted.

51814 - It was moved by Darrah and seconded by Miller that Resolution #21,034, approving and authorizing execution of a Maintenance and Repair Agreement with Kwik Trip, Inc. relative to a post-construction stormwater management plan for 4515 Coneflower 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, Blanford, Darrah, Wieland, Green. Nay: Kruse. Motion carried. The Mayor then declared Resolution #21,034 duly passed and adopted.

51815 - It was moved by Blanford and seconded by Darrah that the following items and recommendations on the Consent Calendar be received, filed and approved:

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

- (1) Jeff Thompson, Board of Mechanical Appeals, term ending 12/31/2021.
- (2) Sue Armbrecht, Civil Service Commission, term ending 04/04/2022.
- (3) Patrick Phalen, Housing Commission, term ending 12/31/2019.

Receive and file the Committee of the Whole minutes of March 19, 2018 relative to the following items:

- (1) Recognition of Board of Adjustment member Craig Schwerdtfeger.
- (2) Water Reclamation Operations overview.
- (3) 2018 PW/Parks Work Plan.
- (4) Bills & Payroll.

Receive and file Departmental Monthly Reports of February 2018.

Receive and file the plans, specifications, form of contract & estimate of cost for the 2018 Permeable Alley Project.

Receive and file the plans, specifications, form of contract & estimate of cost for the Campus Street Box Culvert Project.

Approve a request for a parking variance on Viking Road on April 14, 2018.

Approve the following applications for liquor licenses:

- (1) The Horny Toad American Bar & Grille, 204 Main Street, Class C liquor - renewal.
- (2) Buffalo Wild Wings, 6406 University Avenue, Class C liquor & outdoor service - change in ownership.
- (3) Mary Lou's Bar & Grill, 2719 Center Street, Class C liquor - temporary outdoor service. (April 28-29, 2018)
- (4) College Square Cinema, 6301 University Avenue, Special Class C liquor - new.
- (5) Jorgensen Plaza (Table 1912, Diamond Event Center and Gilmore's Pub), 5307 Caraway Lane, Class C liquor - new.

Motion carried unanimously.

51816 - It was moved by Blanford and seconded by Darrah to approve a request by Cedar Falls Utilities for a temporary variance from Section 18-74 of the Code of Ordinances, Prohibited noises generally, to allow painting of a water tower to occur on Sundays. Following a question by Councilmember deBuhr and response by Community Development Director Sheetz, the motion carried unanimously.

51817 - It was moved by Blanford and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #21,035, approving and adopting a job classification for the position of Accountant in Finance & Business Operations.

Resolution #21,036, approving and authorizing execution of a Professional Service Agreement with Dan Corbin, Inc. for quality assurance and control testing of aerial

photography and LiDAR deliverables.

Resolution #21,037, approving and authorizing execution of an Agreement for Wrecker/Towing/Storage Service with L&M Transmission & Towing.

Resolution #21,038, approving and authorizing execution of an Agreement for Wrecker/Towing/Storage Service with The Rasmusson Company.

Resolution #21,039, approving and authorizing execution of a First Amendment to Operating Agreement for Pheasant Ridge/Walters Golf Courses and Pro Shop with John J. Bermel.

Resolution #21,040, approving and accepting the contract and bond of Municipal Pipe Tool Company, LLC for the 2018 Sanitary Sewer Rehabilitation Project.

Resolution #21,041, approving and authorizing execution of Supplemental Agreement No. 1 to the Professional Service Agreement with Chosen Valley Testing, Inc. for construction services testing relative to a new Public Safety Building.

Resolution #21,042, 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 I.

Resolution #21,043, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the Dry Run Creek Watershed Improvement Project, Phase I.

Resolution #21,044, approving and authorizing execution of a Maintenance and Repair Agreement with Fareway Stores Inc. relative to a post-construction stormwater management plan for 4500 South Main Street.

Resolution #21,045, approving and authorizing execution of a Maintenance and Repair Agreement with Sulentic-Fischels relative to a post-construction stormwater management plan for 200 West 1st Street.

Resolution #21,046, approving the preliminary plat of Western Home Communities Eighth Addition.

Resolution #21,047, approving the final plat of Western Home Communities Eighth Addition.

Resolution #21,048, setting April 16, 2018 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2018 Permeable Alley Project.

Resolution #21,049, setting April 16, 2018 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Campus Street Box Culvert Project.

Resolution #21,050, setting April 10, 2018 as the date of consultation and May 7, 2018 as the date of public hearing on a proposed Amendment No. 4 to the Cedar Falls Unified Highway 58 Corridor Urban Renewal Plan.

Resolution #21,051, determining the necessity, and setting April 10, 2018 as the date of consultation and May 7, 2018 as the date of public hearing, on a proposed plan for the proposed South Cedar Falls Urban Renewal Area.

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, Green. Nay: None. Motion carried. The Mayor then declared Resolutions #21,035 through #21,051 duly passed and adopted.

- 51818 - It was moved by Blanford and seconded by Miller that the bills and payroll 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, Green. Nay: None. Motion carried.
- 51819 - It was moved by Darrah and seconded by Blanford to direct staff to investigate placement of additional landscaping on the north side of the Greenhill Road corridor. Motion carried unanimously.

It was then moved by Kruse and seconded by deBuhr to refer to the Committee of the Whole the removal of gasoline stations as a permitted use in the MU-Mixed Use Residential Zoning District. Following a question by Councilmember Darrah and response by Community Development Director Sheetz, the motion failed 3-4, with Miller, Blanford, Wieland and Green voting nay.

- 51820 - Councilmember Wieland requested clarification of ex parte communications and how to better communicate with citizens.
- 51821 - Penny Popp, 4805 S. Main Street, expressed appreciation for time & consideration of Kwik Star issue.

Jim Skaine, 2215 Clay Street, commented on the University Avenue reconstruction.

Joe Bohr, 1310 Washington Street, commented on the expansion of the downtown Farmers Market.

Redgie Blanco, 318 Alvarado Avenue, commented on how public information is compiled and presented, and inquired about enforcement of decisions.

- 51822 - It was moved by Kruse and seconded by Wieland that the meeting be adjourned at 10:22 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk