

**CITY HALL
CEDAR FALLS, IOWA, AUGUST 6, 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.

- 51973 - It was moved by Kruse and seconded by Wieland that the minutes of the Regular Meeting of July 16, 2018 and Special Meeting of July 23, 2018 be approved as presented and ordered of record. Motion carried unanimously.

Mayor Brown read a proclamation declaring August 2018 as Gastroparesis Awareness Month and Nikki Morrissey commented.

- 51974 - Controller/City Treasurer Roeding announced that Item G-2.f. was being removed from the Resolution Calendar.

- 51975 - Mayor Brown announced that in accordance with the public notice of July 20, 2018, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2018 Sidewalk Assessment Project, Zone 9. It was then moved by Wieland and seconded by Blanford that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 51976 - The Mayor then asked if there were any written objections filed to the proposed plans, etc. Upon being advised that there were no written objections on file, the Mayor then called for oral comments. City Engineer Resler commented briefly. There being no one else present wishing to speak either for or against the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.

- 51977 - It was moved by Green and seconded by Miller that Resolution #21,210, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2018 Sidewalk Assessment Project, Zone 9, 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 #21,210 duly passed and adopted.

- 51978 - Mayor Brown announced that in accordance with the public notice of July 26, 2018, this was the time and place for a public hearing on an associated amendment to the Schematic Land Use Map by changing the designation from High Density Residential to Neighborhood Commercial/Mixed Use, and also on the proposed rezoning from R-3, Multiple Unit Residential, to C-3, High Density Commercial, of property located at 1015 & 1021 West 22nd Street. It was then moved by Wieland and seconded by Green that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 51979 - The Mayor then asked if there were any written objections filed to the amendment and rezoning. Upon being advised that there was one written comment on file, the Mayor then called for oral comments. Community Services Manager Howard provided a brief presentation and explanation.

The following individuals spoke opposed to the amendment and rezoning:

Tim Schilling, 3434 Tucson Drive
Eashaan Vajpeyi, Attorney with Ball, Kirk & Holm, P.C., 3831 Convair Lane
Doug Sires, 1937 College Street
Randy Chapman, 703 Union Road

The following individuals spoke in support of the amendment and rezoning:

Dan Drendel, Slingshot Architecture, 305 East Court Avenue, Des Moines,
Iowa
James Kerns, 3123 Cottonwood Lane

There being no one else present wishing to speak either for or against the proposed amendment and rezoning, the Mayor declared the hearing closed and passed to the next order of business.

- 51980 - It was moved by Darrah and seconded by Wieland that Resolution #21,211, amending the Schematic Land Use Map, by changing the designation from High Density Residential to Neighborhood Commercial/Mixed Use, for property located at 1015 & 1021 West 22nd Street, be adopted. Following comments by Councilmembers Wieland, Blanford, Darrah and Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Blanford, Darrah, Wieland, Green. Nay: deBuhr and Kruse. Motion Carried. The Mayor then declared Resolution #21,211 duly passed and adopted.
- 51981 - It was moved by Darrah and seconded by Green that an ordinance amending Section 29-107 of the Code of Ordinances by removing property located at 1015 & 1021 West 22nd Street from the R-3, Multiple Unit Residential Zoning District and placing the same in the C-3, High Density Commercial Zoning District, 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, Blanford, Darrah, Wieland, Green. Nay: deBuhr and Kruse. Motion failed due to lack of receiving at least six (3/4) aye votes.
- 51982 - Mayor Brown announced that in accordance with the public notice of July 26, 2018, this was the time and place for a public hearing on proposed amendments to Chapter 29, Zoning, and Chapter 27, Utilities, of the Code of Ordinances relative to the City's floodplain regulations. It was then moved by Miller and seconded by Green that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 51983 - 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. Planner III Sturch commented briefly. 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.

- 51984 - It was moved by Blanford and seconded by Miller that Ordinance #2929, amending Chapter 29, Zoning, and Chapter 27, Utilities, of the Code of Ordinances relative to the City's floodplain regulations, 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried.
- 51985 - Mayor Brown announced that in accordance with the public notice of July 26, 2018, this was the time and place for a public hearing on proposed amendments to the Zoning Agreement relative to conditions of the R-4 Residential Zoning District for property described as Lots 7 & 8 of Midway Business Park. 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.
- 51986 - 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. Planner III Sturch commented briefly. 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.
- 51987 - It was moved by Green and seconded by Blanford that Resolution #21,212, approving and authorizing execution of a Zoning Agreement Amendment relative to property located generally on Lots 7 & 8 of the Midway Business Park Addition, be adopted. Following questions by Councilmembers deBuhr and Darrah, and responses by Community Services Manager Howard and 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, Kruse, Blanford, Darrah, Wieland, Green. Nay: None. Motion Carried. The Mayor then declared Resolution #21,212 duly passed and adopted.
- 51988 - It was moved by Darrah and seconded by Blanford that Ordinance #2930, rezoning property located generally on Lots 7 & 8 of the Midway Business Park Addition pursuant to provisions of a Zoning Agreement associated with Ordinance #2080, which placed said property in the R-4 Residential Zoning District, 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried.
- 51989 - It was moved by Miller and seconded by Green that Ordinance #2928, amending Chapter 6, Animals, of the Code of Ordinances relative to butchering and disposal of dead animals, 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.

51990 - It was moved by Wieland and seconded by Miller that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file the City Council Work Session minutes of July 16, 2018.

Receive and file Departmental Monthly Reports of June 2018.

Receive and file the plans, specifications, form of contract & estimate of cost for the Cedar Falls Public Library Remodel Project.

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

Approve the application of Western Home Communities (Flashing Thunder Fireworks) for a fireworks display permit for September 8, 2018.

Approve the following special event related requests:

- (1) Closure of a Municipal Lot located at 217 Washington Street, FondoFest Pre-Party, August 17, 2018.
- (2) Street closure, College Street, August 17-18, 2018.
- (3) Street closure, Timber Drive, August 19, 2018.
- (4) Closure of a portion of Municipal Lot G, Pear Fair, September 14-16, 2018.
- (5) Street closure, Green Creek Road, September 16, 2018.

Approve the following applications for beer permits and liquor licenses:

- (1) Vintage Iron, 104 Main Street, Class B native wine - renewal.
- (2) Casey's General Store, 2425 Center Street, Class C beer & Class B native wine - renewal.
- (3) Casey's General Store, 5226 University Avenue, Class C beer & Class B native wine - renewal.
- (4) King Star, 2228 Lincoln Street, Class C beer & Class B native wine - renewal.
- (5) Amigo, 5809 University Avenue, Class C liquor & outdoor service - renewal.
- (6) Octopus, 2205 College Street, Class C liquor & outdoor service - renewal.
- (7) The Library, 2222 College Street, Class C liquor & outdoor service - renewal.
- (8) B & B West, 3105 Hudson Road, Class E liquor - renewal.
- (9) Wal-Mart, 525 Brandilynn Boulevard, Class E liquor - renewal.
- (10) Mulligan's Brick Oven Grill & Pub, 205 East 18th Street, Class C liquor & outdoor service - change in ownership.
- (11) The Black Hawk Hotel, The Stuffed Olive, 115-119 Main Street, Class B liquor & outdoor service - new.

Motion carried unanimously.

51991 - It was moved by Green and seconded by Darrah to amend the Committee of the Whole minutes of July 16, 2018 to reflect correct spelling of the last name Kiani and to list the public speaker name as Mark G. Miller to differentiate from Councilmember Miller. Motion to amend carried unanimously.

It was then moved by Miller and seconded by Green to receive and file the

Committee of the Whole minutes of July 16, 2018, as amended, relative to the following items:

- (1) Review Code Section 14-149 - Parking Hard Surfacing Requirements.
- (2) Levee Update.
- (3) Bills & Payroll.

Motion carried unanimously.

51992 - It was moved by Miller and seconded by Darrah that the following resolutions be introduced and adopted:

Resolution #21,213, naming official depositories for the City of Cedar Falls.

Resolution #21,214, approving and adopting the recommendation of the Community Center & Senior Services Board relative to a Community Center Rental Fee Schedule.

Resolution #21,215, approving the Pinnacle Ridge 2nd Minor Subdivision Plat, a replat of Parcels M and N, Pinnacle Ridge Minor Subdivision Plat.

Resolution #21,216, approving a Highway Corridor and Greenbelt (HCG) Overlay Zoning District site plan for construction of a restaurant on Lot 1 of East Viking Plaza Addition.

Resolution #21,217, approving and authorizing execution of a Lease with FN Investors, L.L.C. for temporary use of Lot 13, West Viking Road Industrial Park, relative to private development of adjacent property.

Resolution #21,218, approving and authorizing submission of a Resource Enhancement and Protection (REAP) Grant Application for the Clay Street Park Water Quality Improvements Project.

Resolution #21,219, approving and authorizing execution of Supplemental Agreement No. 8 with AECOM Technical Services, Inc. relative to the Downtown Levee Improvements Project.

Resolution #21,220, setting August 20, 2018 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Cedar Falls Public Library Remodel Project.

Resolution #21,221, setting August 20, 2018 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2018 Seal Coat Project.

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 #21,213 through #21,221 duly passed and adopted.

- 51993 - It was moved by Blanford and seconded by Green that Resolution #21,222, approving and authorizing expenditure of funds for a consultant to develop concepts and cost estimates for potential improvements to Pettersen Plaza, be adopted. Following a question by Councilmember deBuhr and response by Municipal Operations and Programs Director Ripplinger, 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 #21,222 duly passed and adopted.
- 51994 - It was moved by Kruse and seconded by Wieland that the bills and payrolls 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.
- 51995 - It was moved by Miller and seconded by Darrah to refer to the Committee of the Whole the review of urban chickens. Following comments and questions by Councilmembers Wieland, Green and Blanford, the motion to refer carried 4-3, with deBuhr, Blanford and Wieland voting nay.
- 51996 - Councilmember Green announced the 35th Annual 'National Nite Out' on August 7, 2018, and Public Safety Services Director Olson provided a mid-year update on Public Safety statistics, showing a 3.67% decline in crime and having three additional officers on average reporting to fires.
- 51997 - 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.
- 51998 - Brent Dahlstrom, 5016 Samantha Circle, provided statistics of current home sales and the need for urban core growth in Cedar Falls, and requested clarification of zoning ordinances.
- Penny Poppe, 4805 South Main Street, expressed appreciation for public safety response to a recent fire in her neighborhood.
- Jeremy Sulentic, 1008 Rocklyn Street, commented on fire suppression policies and the fire that destroyed their home in 2017.
- The City Council adjourned to Executive Session at 8:02 P.M.
- Mayor Brown reconvened the Council Meeting at 9:17 P.M. and stated that Personnel Matters had been discussed but that no further action was required at this time.
- 51999 - It was moved by Miller and seconded by Kruse that the meeting be adjourned at 9:18 P.M. Motion carried unanimously.

Lisa Roeding, Controller/City Treasurer