

**CITY HALL
CEDAR FALLS, IOWA, DECEMBER 21, 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, at 7:01 P.M. on the above date. The Mayor opened the meeting and announced that the meeting was being conducted electronically in conformance with the Governor's Proclamation of Disaster Emergency to limit the spread of COVID-19. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Absent: None.

- 53109 - It was moved by Kruse and seconded by Miller that the minutes of the Regular Meeting of December 7, 2020 and the minutes of the Special Meeting of December 9, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 53110 - On behalf of the City, Mayor Green accepted a plaque of appreciation presented by Major Andrew Smith of the Iowa National Guard 1st Battalion, 133rd Infantry Regiment.
- 53111 - Mayor announced that in accordance with the public notice of December 4, 2020, this was the time and place for a public hearing on the proposed Amendment No. 6 to the Downtown Development Area Urban Renewal Plan. It was then moved by Darrah and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53112 - 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 and responded to a question by Jim Skaine, 2215 Clay Street. 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.
- 53113 - It was moved by Miller and seconded by Harding that Resolution #22,204, determining an area of the City to be an economic development 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. 6 to the Downtown Development Area Urban Renewal, be adopted. Following questions by Councilmember Harding and responses by Finance & Business Operations Director Rodenbeck, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Darrah, Sires, Dunn, Miller, deBuhr, Kruse, Harding. Nay: None. Motion carried. The Mayor then declared Resolution #22,204 duly passed and adopted.

- 53114 - Mayor announced that in accordance with the public notice of December 4, 2020, this was the time and place for a public hearing on the proposed Amendment No. 6 to the Cedar Falls Unified Highway 58 Corridor 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.
- 53115 - 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 and responded to a question by Jim Skaine, 2215 Clay Street. 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.
- 53116 - It was moved by Kruse and seconded by Harding that Resolution #22,205, determining an area of the City to be an economic development 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. 6 to the Cedar Falls Unified Highway 58 Corridor Urban Renewal Plan, be adopted. Following a question by Councilmember Darrah and response by Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Darrah, Sires, Dunn, Miller, deBuhr, Kruse, Harding. Nay: None. Motion carried. The Mayor then declared Resolution #22,205 duly passed and adopted.
- 53117 - Mayor announced that in accordance with the public notice of December 11, 2020, this was the time and place for a public hearing on the proposal to undertake a public improvement project for the West 27th Street Sanitary Sewer Extension Project, and to authorize acquisition of private property for said project. It was then moved by Harding and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53118 - The Mayor then asked if there were any written communications filed to the proposed project. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Principal Engineer Feuerhelm provided a brief summary of the proposed project and responded to a question by Jim Skaine, 2215 Clay Street. 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.
- 53119 - It was moved by Harding and seconded by Kruse that Resolution #22,206, approving a public improvement for the West 27th Street Sanitary Sewer Extension Project, and authorizing acquisition of private property for said project, be adopted. Following questions by Councilmember Harding and responses by Public Works Director Schrage, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Darrah,

Sires, Dunn, Miller, deBuhr, Kruse, Harding. Nay: None. Motion carried. The Mayor then declared Resolution #22,206 duly passed and adopted.

- 53120 - Mayor announced that in accordance with the public notice of December 11, 2020, this was the time and place for a public hearing on the proposed amendments to Chapter 20, Subdivisions of the Code of Ordinances relative to Final Plat Phasing. It was then moved by Harding and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53121 - The Mayor then asked if there were any written communications filed to the proposed amendments. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planning and Community Services Manager Howard provided a brief summary of the proposed ordinance amendments. There being no one else present wishing to speak about the proposed amendments, the Mayor declared the hearing closed and passed to the next order of business.
- 53122 - It was moved by Kruse and seconded by Darrah that Ordinance #2980, amending certain sections of Chapter 20, Subdivisions, of the Code of Ordinances relative to Final Plat Phasing, 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: Darrah, Sires, Dunn, Miller, deBuhr, Kruse, Harding. Nay: None. Motion carried.
- 53123 - Mayor announced that in accordance with the public notice of December 4, 2020, this was the time and place for a public hearing on the proposed submission of the City's FFY19 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant and HOME Program. It was then moved by Darrah and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53124 - The Mayor then asked if there were any written communications filed to the proposed report. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Director of Community Development Sheetz provided a brief summary of the proposed report and responded to a question by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed report, the Mayor declared the hearing closed and passed to the next order of business.
- 53125 - It was moved by Kruse and seconded by Harding that Resolution #22,207, approving and authorizing submission of the City's FFY19 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant and HOME Program, 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: Darrah, Sires, Dunn, Miller, deBuhr, Kruse, Harding. Nay: None. Motion carried. The Mayor then declared Resolution #22,207 duly passed and adopted.

- 53126 - It was moved by Harding and seconded by Kruse that Ordinance #2976, amending Section 26-118 of the Code of Ordinances by rezoning from C-3, Commercial and R-4, Multiple Residence Districts, to C-3, Commercial District, of property located in the vicinity of West 22nd Street and College Street, be passed upon its third and final 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: Darrah, Sires, Dunn, Miller, deBuhr, Kruse, Harding. Nay: None. Motion carried. The Mayor then declared Ordinance #2976 duly passed and adopted.
- 53127 - It was moved by Kruse and seconded by Harding that Ordinance #2977, amending Chapter 12, Human Relations, of the Code of Ordinances relative to the Human Rights Commission, be passed upon its second consideration. Following questions by Jim Skaine, 2215 Clay Street, and Councilmember Darrah, and responses by Finance & Business Operations Director Rodenbeck and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Darrah, Sires, Dunn, Miller, deBuhr, Kruse, Harding. Nay: None. Motion carried.
- 53128 - It was moved by Kruse and seconded by Miller that Ordinance #2978, amending Chapter 23, Traffic and Motor Vehicles of the Code of Ordinances relative to the use of electric-assist bicycles on City recreational trails, be passed upon its second consideration. Following a question by Jim Skaine, 2215 Clay Street, and responses by Public Works Director Schrage and Councilmembers Harding and Kruse, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Darrah, Dunn, Miller, Harding. Nay: Sires, deBuhr, Kruse. Motion carried.
- 53129 - It was moved by Kruse and seconded by Harding that Ordinance #2979, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking of commercial trucks and trailers on residential streets, 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: Darrah, Sires, Dunn, Miller, Kruse, Harding. Nay: deBuhr. Motion carried.
- 53130 - It was moved by Harding and seconded by Kruse that the following items and recommendations on the Consent Calendar be received, filed and approved:
- Receive & file the resignation of Angela Waseskuk as a member of the Human Rights Commission.
- Approve the following recommendations of the Mayor relative to the reappointment of members to Boards and Commissions:
- a) Chelsey Bowermaster, Cedar Falls Health Trust Fund Board of Trustees, term ending 12/31/2026.

b) Floyd Winter, Cedar Falls Health Trust Fund Board of Trustees, term ending 12/31/2026.

Receive and file the Committee of the Whole minutes of December 7, 2020 relative to the following items:

- a) Grow Cedar Valley Update.
- b) Annual Report of Cedar Falls Public Library.
- c) Subdivision Code Amendment – Final Plat Phasing.
- d) Zoning Code Amendment – Adaptive Re-use of Institutional Buildings in Residential Zones.

Approve the following applications for beer permits and liquor licenses:

- a) Gourmet Garden, 5907 University Ave, Special Class C liquor - renewal.
- b) Huhot Mongolian Grill, 6301 University Avenue, Special Class C liquor - renewal.
- c) Rancho Chico, 618 Brandilynn Boulevard, Class C Liquor - renewal.
- d) Wild Hare American Bar and Grill, 2512 Whitetail Drive, Class C liquor & outdoor service - renewal.
- e) Bani's, 2128 College Street, Class E liquor - renewal.

Motion carried unanimously.

53131 - Mayor Green noted a scrivener's error on item 2.m. that would be corrected to replace the word "voted" with "agreed". It was moved by Darrah and seconded by Harding to receive and file the City Council Goal Setting Report of November 17 & 19, 2020. It was then moved by deBuhr and seconded by Sires to amend the original motion to revise 7.a. by replacing "strategic" plan with "special report", and revising 12.a. by adding "vs full-time" mayor. Motion to amend carried unanimously. The Mayor then put the question on the original motion as amended. Motion carried unanimously.

53132 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,208, approving and authorizing expenditure of funds for replacement of Tasers for the Public Safety Department.

Resolution #22,209, approving and authorizing execution of a Red House Studio Lease relative to the use of 224 West Seerley Boulevard as artist studio space, in conjunction with the Hearst Center's Visiting Artist Program.

Resolution #22,210, approving the Certificate of Completion and accepting the work of Failor Hurley Construction, Inc. for the Cedar Falls Recreation Center - Locker Room Upgrades Project.

Resolution #22,211, approving and authorizing the expenditure of funds for replacement of trickling filter arms at the Wastewater Treatment facility.

Resolution #22,212, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the Ridgeway Avenue Reconstruction

Project.

Resolution #22,213 approving and authorizing execution of a Professional Service Agreement with AECOM Technical Services, Inc. for FEMA Levee System Accreditation Submittal relative to the Cedar Falls Flood Protection System.

Resolution #22,214, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the Walnut Street Box Culvert Replacement - University Branch of Dry Run Creek Project.

Resolution #22,215 setting January 4, 2021 as date of public hearing on the proposed FY2021-FY2026 Capital Improvements Program (CIP).

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: Darrah, Sires, Dunn, Miller, deBuhr, Kruse, Harding. Nay: None. Motion carried. The Mayor then declared Resolutions #22,208 through #22,215 duly passed and adopted.

- 53133 - It was moved by Kruse and seconded by Harding that Resolution #22,216, establishing the 2021 pay for City of Cedar Falls elected officials, in compliance with the City's Code of Ordinances, be adopted. Following comments by Jim Skaine, 2215 Clay Street, and Councilmember Sires, and responses by Finance & Business Operations Director Rodenbeck and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Darrah, Dunn, Miller, deBuhr, Kruse, Harding. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,216 duly passed and adopted.
- 53134 - It was moved by Kruse and seconded by Harding that a resolution approving and adopting the FY2022 City Council Goals, Work Program and Short-Term Financial Plan, be adopted. Following questions and comments by Jim Skaine, 2215 Clay Street, Councilmembers Harding, Darrah, Sires and deBuhr, and responses by Mayor Green and Finance & Business Operations Director Rodenbeck, it was moved by Miller and seconded by Harding to amend the original motion to revise 7.e.(1) on page 8 by replacing "Transition" with "Consideration". Motion to amend carried unanimously. Following comments by Councilmembers Kruse, deBuhr and Harding, and a response by City Attorney Rogers, it was moved by Harding and seconded by Kruse to postpone consideration. Motion to postpone carried unanimously.
- 53135 - It was moved by Kruse and seconded by Harding that the bills and payrolls of December 21, 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: Darrah, Sires, Dunn, Miller, deBuhr, Kruse, Harding. Nay: None. Motion carried.
- 53136 - Mayor Green responded to questions and comments from Councilmembers

Darrah and Kruse regarding filling the vacancies on the Human Rights Commission.

53137 - City Administrator Gaines stated that he would resend the draft and final version of Council Goal document.

53138 - Mayor Green responded to comments by Jim Skaine, 2215 Clay Street, regarding transparency at Council Meetings.

Steve Norby, 1606 W. 18th Street, expressed safety concerns regarding allowing electric bikes on trails.

53139 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 8:26 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk