

**CITY HALL
CEDAR FALLS, IOWA, FEBRUARY 1, 2021
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.
- 53180 - It was moved by Miller and seconded by Kruse that the minutes of the Regular Meeting of January 19, 2021 be approved as presented and ordered of record. Motion carried unanimously.
- 53181 - The Mayor then asked if there were any agenda revisions. City Clerk Danielsen noted that agenda item 4 should read (Contingent upon approval of Ordinance #2981).
- 53182 - Mayor announced that in accordance with the public notice of January 21, 2021, this was the time and place for a public hearing on the proposed maximum levy for affected property tax levies for FY2022. It was then moved by Kruse and seconded by Miller that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53183 - The Mayor then asked if there were any written communications filed to the proposed maximum levy. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Finance & Business Operations Director Rodenbeck provided a brief summary of the proposed levy. Following a comment by T.J. Frein, 1319 Austin Way, the Mayor declared the hearing closed and passed to the next order of business.
- 53184 - It was moved by Darrah and seconded by Miller that Resolution #22,232, approving and adopting the maximum levy for affected property tax levies for FY2022, 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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,232 duly passed and adopted.
- 53185 - It was moved by Kruse and seconded by Harding that Ordinance #2981, amending Chapter 6, Animals, of the Code of Ordinances relative to permitting poultry in residential areas, be passed upon its second consideration. Community Development Director Sheetz provided a brief summary of the proposed staff changes. Following questions and comments by Councilmembers deBuhr, Miller and Kruse and responses by Community Development Director Sheetz and City Attorney Rogers, it was moved by Kruse to remove Sections 6-

304 and 6-305. Following comments by Mayor Green, the motion failed for lack of a second. It was then moved by Harding and seconded by Kruse to amend the ordinance to incorporate staff recommendations. The motion to amend carried 5-2, with deBuhr and Sires voting Nay. Following due consideration by the Council, the Mayor put the question on the motion as amended and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Miller, Kruse, Harding, Darrah. Nay: deBuhr, Sires. Motion carried for passage of new Ordinance #2984 upon its first consideration.

53186 - It was moved by Kruse and seconded by Miller that Ordinance #2982, amending Chapter 6, Animals, of the Code of Ordinances relative to establishing regulations for rear yard poultry in residential areas, be passed upon its second consideration. It was then moved by Kruse and seconded by Miller to amend the ordinance to incorporate staff recommendations. The motion to amend carried 5-2, with deBuhr and Sires voting Nay. Following due consideration by the Council, the Mayor put the question on the motion as amended and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Miller, Kruse, Harding, Darrah. Nay: deBuhr, Sires. Motion carried for passage of new Ordinance #2985 upon its first consideration.

53187 - Following a comment by Mayor Green and consensus among City Councilmembers, consideration of Ordinance #2983, amending Chapter 15, Nuisances, of the Code of Ordinances relative to keeping poultry in residential areas, was withdrawn until the next Council meeting to stay consistent with the two previous ordinances.

53188 - It was moved by Harding and seconded by Miller that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file Mayor's Monthly Report for January 2021.

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

a) David Kivett, Human Rights Commission, term ending 7/1/2022.

Receive and file the Work Session minutes of the January 19, 2021 relative to the following item:

a) Administrative Policy No. 7.

Receive and file the Committee of the Whole minutes of January 19, 2021 relative to the following items:

a) Community Development Block Grant (CDBG) Sidewalk Infill Project.

b) FY22 Budget Presentation.

Receive and file Departmental Monthly Reports of December, 2020.

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

a) Engineering Technician I.

b) Maintenance Worker.

c) Wastewater Treatment Operator I.

Approve a request for a temporary sign at 3619 Carlton Drive on February 7, 2021.

Approve the application of Tobacco Outlet Plus #561, 4116 University Avenue, Units 104-105, for a cigarette/tobacco/nicotine/vapor permit.

Approve the following applications for beer permits and liquor licenses:

- a) Hy-Vee Gas, 6527 University Avenue, Class C beer - renewal.
- b) AmericInn Lodge and Suites, 5818 Nordic Drive, Class B beer - renewal.
- c) Second State Brewing Company, 203 State Street, Class B beer & outdoor service - renewal.
- d) Cottonwood Canyon, 419 Washington Street, Special Class C liquor & outdoor service - renewal.
- e) Hy-Vee Tasting Room, 6301 University Avenue, Special Class C liquor - renewal.
- f) Fraternal Order of Eagles, 2125 West Lone Tree Road, Class C liquor & outdoor service - renewal.
- g) Thunder Ridge Ampride, 2425 Whitetail Drive, Class E liquor - renewal.

Motion carried unanimously.

53189 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,233, levying a final assessment for costs incurred by the City to mow the property located at 412 North Ellen Street.

Resolution #22,234, levying a final assessment for costs incurred by the City to mow the property located at 1122 West 22nd Street.

Resolution #22,235, levying a final assessment for costs incurred by the City to clean up the property located at 2413 Olive Street.

Resolution #22,236, approving and authorizing execution of the renewal of an Advertising Agreement with Lee Enterprises, Incorporated, d/b/a Courier Communications, relative to recruitment advertising.

Resolution #22,237, approving and adopting the State of Iowa Community Development Block Grant Coronavirus Duplication of Benefits Policies and Procedures relative to Community Development Block Grant (CDBG-CV2) CARES Act funding.

Resolution #22,238, approving and authorizing execution of Service/Product Agreement with the Iowa Northland Regional Council of Governments (INRCOG) for project delivery relative to Community Development Block Grant (CDBG-CV2) CARES Act funding.

Resolution #22,239, approving and authorizing execution of a Second Amendment to Professional Service Agreement with Iowa Northland Regional

Council of Governments (INRCOG) relative to Grant Administration and Technical Services for Community Development Block Grant (CDBG-CV3) funding relative to the CARES Act.

Resolution #22,240, approving and authorizing execution of an Agreement for Professional Services with Operation Threshold for Community Development Block Grant (CDBG-CV3) funding relative to the CARES Act.

Resolution #22,241, approving a Mixed Use (MU) Residential Zoning District site plan for construction of a senior living facility to be located on Lot 6 of Pinnacle Prairie Commercial South - Phase III, Second Addition.

Resolution #22,242, approving the final plat of Pinnacle Prairie Commercial South Phase III, Second Addition.

Resolution #22,243, approving and authorizing execution of a Contract for Completion of Improvements with Oster Family Limited Partnership, and approving an Escrow Agreement relative to the reconfiguration of Goldenrod Way.

Resolution #22,244, approving and authorizing execution of a Contract for Completion of Improvements with Oster Family Limited Partnership, and approving an Escrow Agreement relative to the roundabout landscaping at Prairie Parkway and Prairie View Road.

Resolution #22,245, approving and authorizing execution of an Assignment of Maintenance and Repair Agreement from Sulentic-Fischels to Arabella, LLC relative to a post-construction stormwater management plan for 200 West 1st Street.

Resolution #22,246, approving and accepting completion of public improvements in Western Home Communities Ninth Addition.

Resolution #22,247, approving and authorizing execution of Supplemental Agreement No. 3 to the Professional Service Agreement with Snyder & Associates, Inc. relative to the Union Road Recreational Trail Project – West 12th Street to West 27th Street.

Resolution #22,248, approving and authorizing execution of a Professional Service Agreement with Snyder & Associates, Inc. for design services relative to the Cyber Lane Extension Project.

Resolution #22,249, approving and authorizing execution of a Professional Service Agreement with AECOM Technical Services, Inc. for design services relative to the Lake Street Trail Project.

Resolution #22,250, setting February 15, 2021 as the date of public hearing on the proposed FY22 Budget for the City of Cedar Falls.

Resolution #22,251, receiving and filing, and setting February 15, 2021 as the date of public hearing on the proposed plans, specifications, form of contract &

estimate of cost for the 2021 Sanitary Sewer Rehabilitation Project.

Resolution #22,252, receiving and filing, and setting February 15, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Downtown Streetscape and Reconstruction Project - Phase II.

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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolutions #22,233 through #22,252 duly passed and adopted.

53190 - 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 comments by Councilmembers deBuhr and Kruse, and responses by Mayor Green, it was moved by Kruse to amend the document to include only items discussed by Councilmembers during the goal setting sessions. Motion failed for lack of a second. Following comments by Councilmembers Harding, deBuhr, Miller, Kruse, Darrah, Harding and Dunn, and responses by Mayor Green, it was moved by Harding and seconded by Miller to call the question. Motion carried 6-1, with Kruse voting Nay. Following due consideration by the Council, the Mayor put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Harding, Darrah. Nay: Miller, deBuhr, Kruse and Sires. Motion failed.

53191 - It was moved by Harding and seconded by Miller that Resolution #22,253, approving and adopting amendments to Administrative Policy No. 7, City Council Meeting Procedures, be adopted. Following comments by Rick Sharp, 1623 Birch Street, questions and comments by Councilmembers Dunn, Harding and Sires, and responses by Mayor Green and City Attorney Rogers, it was moved by Sires and seconded by Harding to amend the motion to include 3 minutes of public forum at the end of the meeting. Following a comment by Councilmember Kruse and response by Mayor Green, it was moved by Kruse and seconded by deBuhr to amend the motion to amend to limit the public forum and the end of the meeting to be germane to items on the agenda. The motion to amend the motion to amend carried 6-1, with Miller voting Nay. Following questions by Councilmembers Harding and Miller, response by Mayor Green, and comments by T.J. Frein, 1319 Austin Way, and Jim Skaine, 2215 Clay Street, the Mayor put the question on the amended motion. Motion failed 2-5, with Dunn, Miller, deBuhr, Kruse and Darrah voting Nay. Following questions by Councilmembers Miller and deBuhr and response by Mayor Green and City Attorney Rogers, the Mayor put the question on the original motion, and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,253 duly passed and adopted.

53192 - It was moved by deBuhr and seconded by Harding that Resolution #22,254, approving and adopting the recommendation of the Parks & Recreation

Commission relative to a Recreation Fee Schedule to become effective March 1, 2021, be adopted. Following a question by Councilmember Harding and response by Community Development Director Sheetz, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,254 duly passed and adopted.

- 53193 - It was moved by Harding and seconded by Miller that the rules requiring an ordinance amending Chapter 2, Administration, of the Code of Ordinances relative to Applicability of Robert's Rules of Order, to be considered at three separate meetings, be suspended. Following comments by Jim Skaine, 2215 Clay Street, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Miller, deBuhr, Harding, Darrah. Nay: Kruse, Sires. Motion failed due to at least six aye votes being required.

It was then moved by deBuhr and seconded by Harding that Ordinance #2986, amending Chapter 2, Administration, of the Code of Ordinances relative to Applicability of Robert's Rules of Order, 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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried

- 53194 - It was moved by Kruse and seconded by Miller that the bills and payroll of February 1, 2021 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: Sires, Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: None. Motion carried.

- 53195 - It was moved by Kruse and seconded by Sires to refer to the Committee of the Whole development of uniform standards for participants in the Sturgis Falls events. Following questions and comments by Councilmembers Harding, Kruse and Miller, and responses by Mayor Green, the motion failed 2-5, with Dunn, Miller, deBuhr, Harding and Darrah voting Nay.

It was then moved by Miller and seconded by Darrah that city staff develop a task force to work with the Human Rights Commission. Following comments by Councilmembers Darrah, Harding and Miller, and responses by Mayor Green, the motion carried unanimously.

- 53196 - Councilmember Sires requested that the City clear the sidewalk/trail on South Main Street from Greenhill Road to the Paw Park.

- 53197 - City Administrator Gaines announced the City will be working with the College Hill Partnership and Community Main Street on a campaign regarding the end of the paid parking suspension on March 31, 2021, and that any extension must be

decided by March 1, 2021 to allow adequate time for preparations.

Public Works Director Schrage provided information about the snow emergency in effect in the Downtown and College Hill areas from Tuesday night until Wednesday morning to allow for snow removal in those areas.

- 53198 - Andrew Shroll, 930 Newman Avenue, spoke on behalf of the Bicycle and Pedestrian Advisory Committee regarding the inclusion of bike trails in the Main Street reconstruction project.

Councilmember Dunn responded to a request for clarification by Rick Sharp, 1623 Birch Street, on the previous vote regarding Administrative Policy 7. Finance & Business Operations Director Rodenbeck responded to a question by Mr. Sharp regarding the exclusion of payroll from the meeting materials.

Jim Skaine, 2215 Clay Street, requested that documentation for each agenda item be displayed on the screen, and then he commented about using the term germane.

Mayor Green commented on decorum for public debate and participation in public session.

- 53199 - It was moved by Kruse and seconded by Darrah to adjourn to Executive Session to discuss Property Acquisition per Iowa Code Section 21.5(1)(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property, following Public Forum. Upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 9:14 P.M.

Mayor Green reconvened the Council Meeting at 9:37 P.M. and stated that Property Acquisition had been discussed but that no further action was required at this time.

- 53200 - It was moved by Darrah and seconded by Kruse that the meeting be adjourned at 9:38 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk