

**CITY HALL  
CEDAR FALLS, IOWA, JULY 6, 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 7:00 P.M. on the above date. Members present: Miller, deBuhr, Kruse (via video conference), Harding, Darrah, Sires. Absent: Dunn.

Mayor Green thanked Councilmember Harding for chairing the June 21, 2021 City Council meeting.

- 53376 - It was moved by Harding and seconded by Darrah that the minutes of the Regular Meeting of June 21, 2021 be approved as presented and ordered of record. Motion carried unanimously.
- 53377 - Rick Sharp, 1623 Birch Street, commented on the current fireworks ban and requested a window to allow the use of fireworks in the future, with a zero tolerance for those who violate the ordinance. He would also like to see fireworks at Prairie Lakes in 2022.

Mayor responded to comments by Jim Skaine, 2215 Clay Street, regarding the proper use of Roberts Rules of Order and items on the agenda.

- 53378 - Mayor Green read a proclamation recognizing July 11, 2021 as 1-133d Infantry Regiment - Ironman Battalion Day.
- 53379 - Mayor announced that in accordance with the public notice of June 29, 2021, this was the time and place for a public hearing on the FY2022 (FFY2021) Annual Action Plan for Community Development Block Grant (CDBG) and HOME Consortium. It was then moved by Darrah and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53380 - The Mayor then asked if there were any written communications filed to the proposed plan. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Community Development Director Sheetz provided a brief summary of the proposed plan. There being no one else present wishing to speak about the project, the Mayor declared the hearing closed and passed to the next order of business.
- 53381 - It was moved by Darrah and seconded by Harding that Resolution #22,437, approving the FY2022 (FFY2021) Annual Action Plan for Community Development Block Grant (CDBG) and HOME Consortium, 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, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,437 duly passed and adopted.

- 53382 - Mayor announced that in accordance with the public notice of June 25, 2021, this was the time and place for a public hearing proposal to undertake a public improvement project for the West 27th Street Reconstruction Project, and to authorize acquisition of private property for said project. It was then moved by Harding and seconded by Miller that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53383 - 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. City Engineer Wicke provided a brief summary of the proposed project and responded to a question by Mayor Green. There being no one else present wishing to speak about the project, the Mayor declared the hearing closed and passed to the next order of business.
- 53384 - It was moved by Harding and seconded by Miller that Resolution #22,438, approving a public improvement project for the West 27th Street Reconstruction Project, and authorizing acquisition of private property for said project, be adopted. Following questions and comments by Councilmembers Sires, deBuhr, and Harding, and responses by City Engineer Wicke and Public Works Director Schrage, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,438 duly passed and adopted.
- 53385- Mayor announced that in accordance with the public notice of June 25, 2021, this was the time and place for a public hearing on the proposed plans, specifications, form of contract, and estimate of cost for the Cyber Lane Extension Project. It was then moved by Darrah and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53386 - 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. Civil Engineer Tolan provided a brief summary of the proposed project. There being no one else present wishing to speak about the project, the Mayor declared the hearing closed and passed to the next order of business.
- 53387 - It was moved by Miller and seconded by Harding that Resolution #22,439, approving and adopting the plans, specifications, form of contract & estimate of cost for the Cyber Lane Extension Project, 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, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,439 duly passed and adopted.
- 53388 - It was moved by Harding and seconded by Miller that the following items on the Consent Calendar be received, filed and approved:

Receive and file the following resignations of members from Boards and Commissions:

- a) Floyd Winter, Cedar Falls Health Trust Fund Board.
- b) Chris Corkery, Art & Culture Board.

Receive and file the Work Session minutes of June 21, 2021 relative to the following item:

- a) Downtown Zoning Ordinance.

Receive and file the Committee of the Whole minutes of June 21, 2021 relative to the following items:

- a) Grow Cedar Valley Update.
- b) Cash Management Report.

Receive and file the Departmental Monthly Reports of May, 2021.

Approve the following applications for beer permits and liquor licenses:

- a) King Star, 2228 Lincoln Street, Class C beer & Class B native wine - renewal.
- b) Amvets, 1934 Irving Street, Class A liquor & outdoor service - renewal.
- c) Applebee's Neighborhood Grill & Bar, 6301 University Avenue, Class C liquor - renewal.
- d) Carlos O'Kelly's Mexican Café, 6507 University Avenue, Class C liquor - renewal.
- e) The Other Place, 2214 College Street, Class C liquor - renewal.
- f) Wal-Mart, 525 Brandilynn Boulevard, Class E liquor - renewal.
- g) Dollar General, 1922 Valley Park Drive, Class C Beer & Class B Wine – change in ownership.
- h) Dollar General, 2921 Center Street, Class C beer & Class B wine – change in ownership.
- i) NewAldaya Lifescapes, 7511 University Avenue, Class A liquor & outdoor service – change in ownership.
- j) River Place Plaza, 200 East 2nd Street – Plaza, Special Class C liquor & outdoor service – temporary expansion of outdoor service area. (July 10-11, 2021)
- k) Amvets, 1934 Irving Street, Class A liquor & outdoor service - temporary expansion of outdoor

Motion carried unanimously.

53389 - It was moved by deBuhr and seconded by Harding to receive and file the Mayor's Monthly Report for June, 2021. Following comments by Jim Skaine, 2215 Clay Street, and response by Mayor Green, the motion carried unanimously.

53390 - It was moved by deBuhr and seconded by Miller to receive and file communications from the Civil Service Commission relative to certified lists for the following positions:

- a) Equipment Operator.
- b) Public Safety Supervisor-Captain.
- c) Public Safety Supervisor-Lieutenant.

Following comments by Rick Sharp, 1623 Birch Street, and Councilmember Harding, and responses by City Attorney Rogers, the motion carried unanimously.

- 53391 - Mayor Green noted a scrivener's error on agenda item 14 that should read \$30,000 to the Economic Development Fund instead of \$15,000. It was then moved by Harding and seconded by deBuhr that the following resolutions be introduced and adopted:

Resolution #22,440, levying a final assessment for costs incurred by the City to clean up/remove debris on the property located at 2013 Maplewood Drive.

Resolution #22,441, approving and accepting a Utility and Access Easement on Lot 3 of Pinnacle Prairie Commercial South - Phase II.

Resolution #22,442, approving a First Amendment to Deed of Dedication for Pinnacle Prairie Commercial South - Phase II.

Resolution #22,443, approving the preliminary plat of Pinnacle Prairie Commercial South - Phase V.

Resolution #22,444, approving the final plat of Pinnacle Prairie Commercial South - Phase V.

Resolution #22,445, approving a Hwy-1, Highway Commercial Zoning District site plan for construction of a medical clinic at 5909 Prairie Parkway.

Resolution #22,446, approving a Hwy-1, Highway Commercial Zoning District site plan for construction of a retail development at 703 Brandilynn Boulevard.

Resolution #22,447, approving and authorizing the expenditure of funds for the purchase of a mini excavator for the Public Works Department.

Resolution #22,448, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with Strickler Properties LC relative to a post-construction stormwater management plan for 6415 Development Drive.

Resolution #22,449, approving and accepting the contract and bond of Pirc-Tobin Construction, Inc. for the West 27th Street Sanitary Sewer Extension Project.

Resolution #22,450, receiving and filing, and setting July 19, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2021 CDBG Sidewalk Infill Project.

Resolution #22,451, receiving and filing, and setting July 19, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2021 Public Sidewalk Repair and Infill Project.

Resolution #22,452, receiving and filing, and setting July 19, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate

of cost for the 2021 Sidewalk Assessment Project - Zone 4.

Resolution #22,453, setting July 19, 2021 as the date of public hearing on a proposal to enter into an Agreement for Private Development with CV Commercial, L.L.C. relative to a commercial/residential mixed use development.

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, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolutions #22,440 through #22,453 duly passed and adopted.

53392 - It was moved by Harding and seconded by Miller that Resolution #22,454, approving and accepting from the Municipal Electric and Communications Utilities the permanent transfers of \$2,622,314.00 to the General Fund and \$30,000.00 to the Economic Development Fund of the City of Cedar Falls, be adopted. Following comments by Jim Skaine, 2215 Clay Street, Whitney Smith, 2904 Neola Street, Rick Sharp, 1623 Birch Street, and Councilmembers Harding and Sires, 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,454 duly passed and adopted.

53393 - It was moved by deBuhr and seconded by Darrah that Resolution #22,455, approving and authorizing execution of a Memorandum of Understanding with the City of Waterloo and Black Hawk County relative to the 2021-2022 Edward Byrne Memorial Justice Association Grant (JAG) Program funding for the Tri-County Drug Task Force, be adopted. Following a question by Jim Skaine, 2215 Clay Street, and response by Public Safety Director Olson, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,455 duly passed and adopted.

53394 - It was moved by Harding and seconded by deBuhr that Resolution #22,456, approving and authorizing execution of a Cooperative Agreement for Use of Swimming Pools with the Cedar Falls Community School District, be adopted. Following a comment by Jim Skaine, 2215 Clay Street, and responses by Councilmember Miller and Mayor Green, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,456 duly passed and adopted.

53395 - It was moved by Harding and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #22,457, approving and accepting the low bid, and approving and authorizing execution of a Rehabilitation Contract with Tojo Construction Inc.

relative to a HOME Housing Rehabilitation Project at 210 C2 Balboa Avenue.

Resolution #22,458, approving and accepting the low bid, and approving and authorizing execution of a Rehabilitation Contract with Tojo Construction Inc. relative to a HOME Housing Rehabilitation Project at 2512 Cedar Heights Drive.

Following a comment by Jim Skaine, 2215 Clay Street, 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolutions #22,457 and #22,458 duly passed and adopted.

- 53396 - It was moved by Darrah and seconded by Harding that Resolution #22,459, receiving and filing, and setting July 19, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2021 Permeable Alley Project, be adopted. Following a comment by Jim Skaine, 2215 Clay Street, and a response by Mayor Green, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,459 duly passed and adopted.
- 53397 - It was moved by Miller and seconded by Harding that Ordinance #2992, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to the speed limit on certain portions of Viking Road, 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, Harding, Darrah, Sires. Nay: None. Motion carried.
- 53398 - It was moved by Harding and seconded by Miller that the bills and claims of July 6, 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried.
- 53399 - Councilmember Harding requested an update on what the City could do for fireworks next year, and Councilmember Sires wished his mother a Happy Birthday.
- 53400 - City Administrator Gaines commented about the City hosting fireworks displays and that allowing residential use of fireworks would be a policy decision.
- 53401 - It was moved by Harding and seconded by Miller that the meeting be adjourned at 7:59 P.M. Motion carried unanimously.