

**CITY HALL
CEDAR FALLS, IOWA, MAY 17, 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, Harding, Darrah, Sires, Dunn. Absent: None.

53323 - It was moved by Kruse and seconded by Miller that the minutes of the Regular Meeting of May 3, 2021 be approved as presented and ordered of record. Motion carried unanimously.

53324 - Tammy Stahl, 1009 Lakeshore Drive, spoke in favor of removing mask mandate.

Jim Skaine, 2215 Clay Street, spoke opposed to the agenda format and the recent adoption of Ordinance #2988 relative to roles of the Mayor and City Administrator.

T.J. Frein, 1319 Austin Way, requested suspending the rules requiring consideration at three separate meetings for the proposed ordinance establishing parking near the Place to Play Park.

53325 - Mayor Green read the following proclamations:

Proclamation recognizing May 16-22, 2021 as National Public Works Week. Public Works Director Schrage accepted the proclamation.

Proclamation recognizing June 5, 2021 as National Trails Day. Cedar Trails Partnership President Troy Olson spoke about the local trails system.

53326 - Mayor announced that in accordance with the public notice of May 7, 2021, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the Olive Street Box Culvert Project and to authorize acquisition of private property for said project. 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.

53327 - The Mayor then asked if there were any written communications filed to the proposed project and acquisition. 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 and acquisitions. Dan Breitbach, 9713 Westbrook Road, Jim Kerns, 3123 Cottonwood Lane, and Kathryn Sogard, Executive Director of College Hill Partnership, spoke in support of the project. There being no one else present wishing to speak, the Mayor declared the hearing closed and passed to the next order of business.

53328 - It was moved by Kruse and seconded by Miller that Resolution #22,361,

approving a public improvement project for the Olive Street Box Culvert Project and authorizing acquisition of private property for said 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: Kruse, Harding, Darrah, Sires, Dunn, Miller, deBuhr. Nay: None. Motion carried. The Mayor then declared Resolution #22,361 duly passed and adopted.

- 53329 - Mayor announced that in accordance with the public notice of May 7, 2021, this was the time and place for a public hearing on a proposed rezoning from A-1, Agricultural District and R-1, Residential Zoning District to MU, Mixed Use Residential Zoning District of a certain property located north of Huntington Road and west of Cedar Heights Drive, and also on an associated amendment to the Future Land Use Map by changing the designation from Office & Business Park to Planned Development. 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.
- 53330 - The Mayor then asked if there were any written communications filed to the proposed rezoning and amendment. 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 summary of the proposed rezoning and land use amendment. Following comments by Attorney Eric Johnson speaking on behalf of the developer, the Mayor declared the hearing closed and passed to the next order of business.
- 53331 - It was moved by Kruse and seconded by Harding that Resolution #22,362, approving an amendment to the Future Land Use Map by changing the designation from Office & Business Park to Planned Development, for property located west of Cedar Heights Drive and north of Huntington Road, be adopted. Following questions by Councilmember Harding and responses by Planning and Community Services Manager Howard, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Darrah, Sires, Dunn, Miller, deBuhr. Nay: None. Motion carried. The Mayor then declared Resolution #22,362 duly passed and adopted.
- 53332 - It was moved by Darrah and seconded by Kruse that Ordinance #2989, amending Section 26-118 of the Code of Ordinances by removing certain property located west of Cedar Heights Drive and north of Huntington Road from the A-1, Agricultural District and R-1, Residential Zoning District, and placing the same in the MU, Mixed Use Residential Zoning District, be passed on 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: Kruse, Harding, Darrah, Sires, Dunn, Miller, deBuhr. Nay: None. Motion carried.
- 53333 - It was moved by Kruse and seconded by Harding that a resolution extending the face mask mandate for the City of Cedar Falls be adopted. Following comments by Rick Sharp, 1623 Birch Street, T.J. Frein, 1319 Austin Way, and Councilmembers Dunn and deBuhr, the Mayor put the question on the motion

and upon call of the roll, the following named Councilmembers voted. Aye: None. Nay: Kruse, Harding, Darrah, Sires, Dunn, Miller, deBuhr. Motion failed.

53334 - It was moved by Darrah and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

Approve the following applications for cigarette/tobacco/nicotine/vapor permits:

- a) Dollar General Store, 2921 Center Street.
- b) Dollar General Store, 1922 Valley Park Drive.
- c) Fleet Farm, 400 West Ridgeway Avenue.
- d) Fleet Farm Fuel, 108 West Ridgeway Avenue.
- e) Mini Mart, 1420 West 1st Street.
- f) Prime Mart, 2323 Main Street.

Approve the following applications for beer permits and liquor licenses:

- a) Hurling Hatchet, 100 East 2nd Street, Class B beer - renewal.
- b) Hy-Vee Clubroom, 6301 University Avenue, Special Class C liquor - renewal.
- c) Berk's Main Street Pub, 207 Main Street, Class C liquor - renewal.
- d) Voodoo Lounge, 401 Main Street, Class C liquor - renewal.
- e) Casey's General Store, 2425 Center Street, Class E liquor - renewal.
- f) Casey's General Store, 5226 University Avenue, Class E liquor - renewal.
- g) Walgreens, 2509 Whitetail Drive, Class E liquor - renewal.
- h) North Shore Boat Club, Island Park, Class B beer & outdoor service - 5 day permit.
- i) Mini-mart, 1420 West 1st Street, Class E liquor – new.

Motion carried unanimously.

53335 - It was moved by Kruse and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #22,363, approving and adopting the City's FY22 Appropriations Resolution.

Resolution #22,364, amending an inter-fund loan from the Capital Projects Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV Disinfection & Biosolids Handling Facilities Improvements Project and the Bluff Street Lift Station.

Resolution #22,365, amending an inter-fund loan (#1) from the Health Trust Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV Disinfection & Biosolids Handling Facilities Improvements Project.

Resolution #22,366, amending an inter-fund loan (#2) from the Health Trust Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV Disinfection & Biosolids Handling Facilities Improvements Project.

Resolution #22,367, amending an inter-fund loan (#3) from the Health Trust Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV

Disinfection & Biosolids Handling Facilities Improvements Project.

Resolution #22,368, amending an inter-fund loan (#4) from the Health Trust Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV Disinfection & Biosolids Handling Facilities Improvements Project, Bluff Street Lift Station and the Park Drive Lift Station.

Resolution #22,369, designating the dates and locations for the annual Sturgis Falls Celebration and Cedar Basin Music Festival.

Resolution #22,370, approving and authorizing execution of an Agreement for the Use of State or Local Overtime and Authorized Expense/Strategic Initiative Program for Organized Crime Drug Enforcement Task Forces (OCDETF) for FY2021.

Resolution #22,371, approving and authorizing execution of an Agreement for Wrecker/Towing/Storage Service with L&M Transmission.

Resolution #22,372, approving and authorizing execution of an Agreement for Wrecker/Towing/Storage Service with Rasmussen Towing, Inc.

Resolution #22,373, approving and authorizing execution of an Agreement to Support Economic Development Program of the College Hill Partnership relative to an FY22 Economic Development Grant.

Resolution #22,374, approving and authorizing execution of an Agreement to Support Economic Development Program of Cedar Falls Community Main Street relative to an FY22 Economic Development Grant.

Resolution #22,375, approving and accepting an Access Easement relative to proposed development at 422 Main Street.

Resolution #22,376, approving and authorizing execution of a Subrecipient Agreement for Federally Funded Project with the Northeast Iowa Food Bank for Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,377, approving an amendment to the Autumn Ridge Master Plan relative to Autumn Ridge Tenth Addition.

Resolution #22,378, approving the preliminary plat of Autumn Ridge Tenth Addition.

Resolution #22,379, approving the final plat of Autumn Ridge Tenth Addition.

Resolution #22,380, approving and authorizing execution of an Agreement for Maintenance and Repair of Primary Roads in Municipalities with the Iowa Department of Transportation.

Resolution #22,381, approving and authorizing execution of two Owner Purchase Agreements, and approving and accepting two Temporary Construction Easements and three Permanent Easements, in conjunction with the West 27th

Street Sanitary Sewer Extension Project.

Resolution #22,382, setting June 7, 2021 as the date of the public hearing on a proposal to undertake a public improvement project for the Ashworth Drive Extension Project, and to authorize acquisition of private property for said project.

Resolution #22,383, receiving and filing, and setting June 7, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the West 27th Street Sanitary Sewer Extension Project.

Resolution #22,384, receiving and filing, and setting June 7, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Oak Park Boulevard Sanitary Sewer Replacement 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: Kruse, Harding, Darrah, Sires, Dunn, Miller, deBuhr. Nay: None. Motion carried. The Mayor then declared Resolutions #22,363 through #22,384 duly passed and adopted.

- 53336 - It was moved by Kruse and seconded by Harding that Resolution #22,385, approving and authorizing execution of an Agreement to Support Economic Development in the Cedar Valley with Grow Cedar Valley relative to an FY22 Economic Development Grant, be adopted. Following due consideration by the Council, the Mayor then put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Sires, Dunn, Miller, deBuhr. Nay: None. Abstain: Darrah. Motion carried. The Mayor then declared Resolution #22,385 duly passed and adopted.
- 53337 - It was moved by Harding and seconded by Darrah that Ordinance #2990, amending Chapter 2, Administration, of the Code of Ordinances relative to Boards and Commissions, be passed upon its first consideration. Following a question by Councilmember Harding and responses by City Attorney Rogers, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Darrah, Sires, Dunn, Miller, deBuhr. Nay: None. Motion carried.
- 53338 - It was moved by Darrah and seconded by Miller that Ordinance #2991, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking on portions of Algonquin and Ashworth Drives, upon its first consideration. Following a question by Councilmember deBuhr and response by Director of Public Works Schrage, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Darrah, Sires, Dunn, Miller, deBuhr. Nay: None. Motion carried.
- 53339 - It was moved by Kruse and seconded by Harding that the bills and claims of May 17, 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: Kruse, Harding, Darrah, Sires, Dunn, Miller, deBuhr. Nay: None.
Motion carried.

- 53340 - It was moved by Dunn and seconded by Darrah to refer to the Committee of the Whole consideration of the Bicycle and Pedestrian Advisory Committee becoming a formal commission. Following a comment by Councilmember Kruse, the Mayor put the question on the motion and the following named Councilmembers voted. Motion carried 6-1, with deBuhr voting Nay.
- 53341 - City Administrator Gaines announced that facemasks will not be required to be worn in City buildings by staff or public after the current mandate expires. Mayor Green encouraged compassion towards those who continue to wear face masks.
- 53342 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 8:00 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk