

**CITY HALL
CEDAR FALLS, IOWA, OCTOBER 18, 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.

- 53505 - It was moved by Kruse and seconded by Miller that the minutes of the Regular Meeting of October 4, 2021 be approved as presented and ordered of record. Motion carried unanimously.
- 53506 - Mayor Green read the following proclamations:
- Proclamation recognizing October 17-23, 2021 as Character Counts Week.
- Proclamation recognizing October 17-23, 2021 as Friends of the Library Week. Friends of Cedar Falls Public Library Vice-President Rhonda Braley commented.
- Proclamation recognizing October 18, 2021 as Day of Inclusion.
- 53507 - T.J. Frein, 1319 Austin Way, would like to see an easier way for people to not only file complaints, but to commend the Police Department and Public Safety Officials. Mr Frein also commented on his desire to see members of the community recognized for their accomplishments during Council meetings.
- 53508 - Mayor announced that in accordance with the public notice of October 8, 2021, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the City Hall Remodel Project. It was then moved by deBuhr and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53509 - 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. Building Official Castle provided a brief summary of the proposed project. Following questions by the Mayor and Councilmember DeBuhr, and responses by Castle and Engineer Tom Folders, the Mayor declared the hearing closed and passed to the next order of business.
- 53510 - It was moved by Harding and seconded by Miller that Resolution #22,549, approving and adopting the plans, specifications, form of contract & estimate of cost for the City Hall Remodel Project, be adopted. Following questions and comments by Councilmembers Sires, Kruse, deBuhr, Harding and Miller, and Mayor Green, and responses by Building Official Castle, Finance & Business Operations Director Rodenbeck and Community Development Director Sheetz, 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, Dunn. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,549 duly passed and adopted.

- 53511 - Mayor announced that in accordance with the public notice of October 8, 2021, this was the time and place for a public hearing on the proposed adoption by reference the 2021 International Building Code, 2021 International Residential Code, 2021 International Mechanical Code, 2021 Uniform Plumbing Code, 2021 National Fuel Gas Code and 2020 National Electrical Code, and associated revisions to Chapter 7, Buildings and Building Regulations of the Code of Ordinances. 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.
- 53512 - The Mayor then asked if there were any written communications filed to the proposed codes. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Building Official Castle provided a summary of the proposed codes. There being no one else present wishing to speak about the proposed codes, the Mayor declared the hearing closed and passed to the next order of business
- 53513 - It was moved by Miller and seconded by Harding that Ordinance #2997, adopting by reference the 2021 International Building Code, 2021 International Residential Code, 2021 International Mechanical Code, 2021 Uniform Plumbing Code, 2021 National Fuel Gas Code and 2020 National Electrical Code, and associated revisions to Chapter 7, Buildings and Building Regulations of the Code of Ordinances, 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, Dunn. Nay: None. Motion carried.
- 53514 - Mayor announced that in accordance with the public notice of October 8, 2021, this was the time and place for a public hearing on the proposed adoption by reference the 2021 International Fire Code, and associated revisions to Chapter 9, Fire Prevention and Protection of the Code of Ordinances. 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.
- 53515 - The Mayor then asked if there were any written communications filed to the proposed codes. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Fire Chief Bostwick provided a brief summary of the proposed codes. There being no one else present wishing to speak about the proposed codes, the Mayor declared the hearing closed and passed to the next order of business
- 53516 - It was moved by deBuhr and seconded by Harding that Ordinance #2998, adopting by reference the 2021 International Fire Code, and associated revisions to Chapter 9, Fire Prevention and Protection of the Code of Ordinances, 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, Dunn. Nay: None. Motion carried.

- 53517 - Mayor announced that in accordance with the public notice of October 8, 2021, this was the time and place for a public hearing on the proposed rezoning from R-1, Residence District and C-2, Commercial District to C-2, Commercial District of property located at 5424 University Avenue. It was then moved by Harding and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53518 - The Mayor then asked if there were any written communications filed to the proposed rezoning. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planner I Atodaria provided a brief summary of the proposed rezoning. There being no one else present wishing to speak about the proposed rezoning, the Mayor declared the hearing closed and passed to the next order of business
- 53519 - It was moved by Darrah and seconded by Miller that Ordinance #2999, amending Section 26-118 of the Code of Ordinances by removing certain property located at 5424 University Avenue from the R-1, Residence District and C-2, Commercial District, and placing the same in the C-2, Commercial 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, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried.
- 53520 - It was moved by Darrah and seconded by Miller that Ordinance #2994, amending Chapter 26, Zoning, and other associated sections of the Code of Ordinances relative to establishing the CD-DT, Downtown Character District, be passed upon its second consideration. Following comments and questions by Darin Beck, 339 Golden Lane, Eashaan Vajpeyi, 3831 Convair Lane (representing Skyview LLC), T.J. Frein, 1319 Austin Way, and Councilmember Harding, and responses by Planning & Community Services Manager Howard and City Attorney Rogers, it was moved by deBuhr and seconded by Kruse to amend the motion to remove the mandatory shared parking requirement. Following comments and questions by Councilmembers Kruse, Harding, deBuhr, Miller, Darrah and Dunn, and Eashaan Vajpeyi, and responses by Community Development Director Sheetz, City Administrator Gaines and Howard, the motion to amend failed 3-4, with Miller, Harding, Darrah and Dunn voting Nay.

Following comments by Councilmembers deBuhr and Kruse, and responses by Howard, it was moved by Kruse and seconded by deBuhr to amend the motion by removing the prohibition on vinyl siding for new construction. Following questions by Councilmembers Miller and Kruse, and responses by Rogers, the motion failed 3-4, with Miller, Harding, Darrah and Dunn voting Nay.

Following questions and comments by Councilmembers deBuhr and Kruse, and responses by Howard, it was moved by Kruse and seconded by deBuhr to

amend the motion by changing onsite parking requirements to one per unit plus one quarter spot per additional bedroom. The motion failed 3-4, with Miller, Harding, Darrah and Dunn voting Nay.

It was then moved by Kruse and seconded by deBuhr to amend the motion to retain Planning and Zoning review instead of an administrative review. Following comments and questions by Councilmembers Kruse, Harding, deBuhr, Dunn and Sires, and Mayor Green, and responses by Howard, the motion failed 3-4, with Miller, Harding, Darrah and Dunn voting Nay. The Mayor then put the question on the original motion, and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Harding, Darrah, Dunn. Nay: deBuhr, Kruse, Sires. Motion carried.

53521 - It was moved by Darrah and seconded by Miller that Ordinance #2995, amending Section 26-118 of the Code of Ordinances, by removing all property within the defined boundaries of the Downtown Character District from current zoning districts and placing the same in the CD-DT, Downtown Character District Zoning District, be passed upon its second consideration. Following a comment by T.J. Frein, 1319 Austin Way, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Harding, Darrah, Dunn. Nay: deBuhr, Kruse, Sires. Motion carried.

53522 - It was moved by Darrah and seconded by Miller that Ordinance #2996, amending Section 26-118 of the Code of Ordinances by removing certain property located in the vicinity of Cedar Heights Drive and Valley High Drive from the C-1, Commercial District, and placing the same in the R-P, Planned Residence District, 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, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried.

53523 - It was moved by Miller and seconded by Darrah that the following items on the Consent Calendar be received, filed and approved:

Receive and file the Mayor's communication relative to creation of the Cedar Falls Sister Cities Committee as a sub-committee of the Cedar Falls Art & Culture Board.

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

- a) Mario Basurto, Human Rights Commission.
- b) Cynthia Snell, Library Board of Trustees.

Receive and file the Committee of the Whole minutes of October 4, 2021 relative to the following item:

- a) Downtown Zoning Code - Private Parking Requirements

Receive and file a communication from the Civil Service Commission relative to a certified list for the position of Code Enforcement Officer.

Receive, file and refer to the Planning & Zoning Commission a communication from Community Main Street, Inc. relative to reestablishment of the Downtown Cedar Falls Self-Supported Municipal Improvement District.

Approve the application of J & M Displays (Holiday Hoopla) for a fireworks display permit for November 26, 2021.

Approve the following applications for beer permits and liquor licenses:

a) Hampton Inn & Suites, 101 West 1st Street, Class C beer & Class B wine - renewal.

b) Peppers Grill & Sports Pub, 620 East 18th Street, Class C liquor - renewal.

c) SingleSpeed Brewing Co., 128 Main Street, Class C liquor & outdoor service - renewal.

d) Fareway Store, 4500 South Main Street, Class E liquor - renewal

e) G Corner, 2125 College Street, Class E liquor – renewal.

Motion carried unanimously.

53524 - It was moved by Miller and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,550, supporting participation in the Home Base Iowa Initiative.

Resolution #22,551, approving and adopting the rate of \$3.89 per \$1,000 taxable value for the Downtown Cedar Falls Self-Supported Municipal Improvement District (SSMID) for FY23.

Resolution #22,552, approving and authorizing execution of a Professional Service Agreement with WHKS & Co. for testing and inspection services relative to the Park Drive Lift Station Inflow & Infiltration (I&I) Reduction Program.

Resolution #22,553, approving and authorizing execution of a Quit Claim Deed, conveying title for right-of-way purposes, in conjunction with the Highway 58 & Ridgeway Avenue Project.

Resolution #22,554, approving and authorizing execution of a Service/Product Agreement with Propel Nonprofits relative to strategic planning for the Art & Culture Board.

Resolution #22,555, approving and authorizing execution of Supplemental Agreement No. 3 to the Professional Service Agreement with Riverwise Engineering, LLC for construction services relative to the Cedar River Recreational Improvement Project.

Resolution #22,556, setting November 1, 2021 as the date of hearing on the proposed condemnation of property located at 710 West 13th Street.

Resolution #22,557, setting November 1, 2021 as the date of hearing on the proposed condemnation of property located at 1303 Walnut Street.

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, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #22,550 through #22,557 duly passed and adopted.

- 53525 - It was moved by Kruse and seconded by Darrah that the bills and claims of October 18, 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, Dunn. Nay: None. Motion carried.
- 53526 - Police Chief Berte announced a Drug Take Back event on Saturday, October 23, from 10 AM – 2 PM at the Public Safety Building.
- 53527 - It was moved by Harding 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. Upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 8:50 P.M.

Mayor Green reconvened the Council meeting at 9:02 P.M.

- 53528 - It was moved by Kruse and seconded by Darrah that the meeting be adjourned at 9:03 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk