

**CITY HALL
CEDAR FALLS, IOWA, SEPTEMBER 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 7:05 P.M. on the above date. Members present: Miller, deBuhr, Kruse (via video conference), Harding, Darrah, Sires, Dunn. Absent: None.

- 52981 - It was moved by Darrah and seconded by Harding that the minutes of the Regular Meeting of September 8, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 52982 - Mayor Green announced that in accordance with the public notice of September 14, 2020, this was the time and place for a public hearing on the proposed funding distribution of the State's Community Development Block Grant (CDBG-CV) funding relative to the CARES Act. 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.
- 52983 - The Mayor then asked if there were any written communications filed to the proposed funding distribution. 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 funding distribution and responded to a question by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed funding distribution, the Mayor declared the hearing closed and passed to the next order of business.
- 52984 - It was moved by Miller and seconded by Harding that Resolution #22,114, approving an Application for State CDBG-CV Entitlement Funding relative to the CARES Act, be adopted. Following a question by Councilmember deBuhr 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion Carried. The Mayor then declared Resolution #22,114 duly passed and adopted.
- 52985 - Mayor Green announced that in accordance with the public notice of September 14, 2020, this was the time and place for a public hearing on a proposed ordinance granting a partial property tax exemption to Owen 5, LLC for construction of an industrial use shop/office facility at 1325 Rail Way. 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.
- 52986 - The Mayor then asked if there were any written communications filed to the proposed ordinance. 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 of the proposed

ordinance and responded to questions by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed ordinance, the Mayor declared the hearing closed and passed to the next order of business.

- 52987 - It was moved by Harding and seconded by Miller that Ordinance #2971, granting a partial property tax exemption to Owen 5, LLC for construction of an industrial use shop/office facility at 1325 Rail Way, 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried.
- 52988 - Mayor Green announced that in accordance with the public notice of September 14, 2020, this was the time and place for a public hearing on a proposed ordinance granting a partial property tax exemption to Tjaden Properties, LLC for construction of an industrial use manufacturing/shop facility at 2800 Technology Parkway. 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.
- 52989 - The Mayor then asked if there were any written communications filed to the proposed ordinance. 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 of the proposed ordinance and responded to a question by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed ordinance, the Mayor declared the hearing closed and passed to the next order of business.
- 52990 - It was moved by deBuhr and seconded by Harding that Ordinance #2972, granting a partial property tax exemption to Tjaden Properties, LLC for construction of an industrial use manufacturing/shop facility at 2800 Technology Parkway, be passed upon its first consideration. Following clarification provided by Councilmember deBuhr and 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried.
- 52991 - Mayor Green announced that in accordance with the public notice of September 14, 2020, this was the time and place for a public hearing on a proposed ordinance granting a partial property tax exemption to Zuidberg NA, LLC for construction of an industrial use warehouse and office facility at 2700 Capital Way. 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.
- 52992 - The Mayor then asked if there were any written communications filed to the proposed ordinance. 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 of the proposed ordinance and responded to comments by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed ordinance, the Mayor declared the hearing closed and passed to the next order of business.

- 52993 - It was moved by Harding and seconded by Miller that Ordinance #2973, granting a partial property tax exemption to Zuidberg NA, LLC for construction of an industrial use warehouse and office facility at 2700 Capital Way, 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried.
- 52994 - Mayor Green announced that in accordance with the public notice of September 14, 2020, this was the time and place for a public hearing to consider entering into an Agreement for Private Development with Panther Builders, LLC. It was then moved by Miller and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52995 - The Mayor then asked if there were any written communications filed to the proposed agreement. 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 of the proposed agreement and responded to a question by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed Agreement, the Mayor declared the hearing closed and passed to the next order of business.
- 52996 - It was moved by Harding and seconded by Miller that Resolution #22,115, approving and authorizing execution of an Agreement for Private Development with Panther Builders, LLC, be adopted. Following questions by Councilmembers Miller, deBuhr, Harding and Kruse, and responses by Economic Development Coordinator Graham and City Administrator Gaines, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Harding, Darrah, Sires, Dunn, Miller. Nay: Kruse. Motion Carried. The Mayor then declared Resolution #22,115 duly passed and adopted.
- 52997 - It was moved by deBuhr and seconded by Miller that Ordinance #2969, amending Section 26-118 of the Code of Ordinances by removing property located north of West 27th Street and west of P E Center Drive from the A-1, Agricultural District, and placing the same in the P, Public District, 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried. The Mayor then declared Ordinance #2969 duly passed and adopted.
- 52998 - It was moved by Darrah and seconded by Miller that Ordinance #2970, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to establishing a 4-way stop at the intersection of West 12th Street and Walnut Street, be passed upon its second consideration. Following questions by Councilmembers Sires, deBuhr and Kruse, and Jim Skaine, 2215 Clay Street, and responses by Public Works Director Schrage, it was then moved by Kruse and seconded by Sires to table the motion. Motion to table failed 2-5, with deBuhr, Harding, Darrah, Dunn and Miller voting Nay.

It was then moved by Kruse and seconded by Sires to postpone indefinitely. Following questions by Councilmembers deBuhr and Darrah, and responses by Public Works Director Schrage, The motion to postpone failed 2-5, with deBuhr, Harding, Darrah, Dunn and Miller voting Nay.

The Mayor then put the question on the original motion, and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Harding, Darrah, Dunn, Miller. Nay: Kruse, Sires. Motion carried 5-2.

- 52999 - It was moved by deBuhr and seconded by Miller that the following items and recommendations on the Consent Calendar be received, filed and approved:

Approve the recommendation of the Mayor relative to the appointment of Jordan Thomas Peterson as Student Liaison, term ending 04/30/2021.

Receive & file the resignation of Andrew Morse as a member of the Human Rights Commission.

Receive and file the City Council Work Session minutes of September 8, 2020 relative to Role of Human Rights Commission.

Approve the following applications for beer permits and liquor licenses:

- a) Pablo's Mexican Grill, 310 Main Street, Class B beer - renewal.
- b) Escapology Cedar Falls, 2518 Melrose Drive, Special Class C liquor - renewal.
- c) Holiday Inn & Suites Hotel/Event Center, 7400 Hudson Road, Class B liquor & outdoor service - renewal.
- d) Blue Room, 201 Main Street, Class C liquor - renewal.
- e) Little Bigs, 2210 College Street, Class C liquor - renewal.
- f) SingleSpeed Brewing Co., 128 Main Street, Class C liquor & outdoor service - renewal.
- g) The Brass Tap, 421 Main Street, Class C liquor & outdoor service - renewal.
- h) The Landmark, 107 Main Street, Class C liquor & outdoor service - renewal.
- i) Fareway Store, 214 North Magnolia Drive, Class E liquor - renewal.

Motion carried unanimously.

- 53000 - It was moved by deBuhr and seconded by Harding to receive and file a communication from the Mayor relative to the July 2020 Compost Facility Fire After-Action Review. Following a question by Jim Skaine, 2215 Clay Street, and responses by Mayor Green and Councilmember Miller, the motion carried unanimously.

- 53001 - It was moved by Miller and seconded by deBuhr to receive and file the FY20 Annual Report of the Operations & Maintenance Division. Following a question by Jim Skaine, 2215 Clay Street, and responses by Mayor Green, Public Works Director Schrage and Councilmember deBuhr, the motion carried unanimously.

- 53002 - It was moved by Miller and seconded by deBuhr that the following resolutions be introduced and adopted:

Resolution #22,116, approving and authorizing submission of the City's FY20 Street Financial Report.

Resolution #22,117, levying a final assessment for costs incurred by the City to mow and clear overgrown vegetation on the property located at 1122 West 22nd Street.

Resolution #22,118, levying a final assessment for costs incurred by the City to mow the property located at 234 Clark Drive.

Resolution #22,119, levying a final assessment for costs incurred by the City to mow and clear overgrown vegetation on the property located at 2013 Maplewood Drive.

Resolution #22,120, approving and authorizing execution of an Agreement with Tempest, Inc. and iDSS Global, LLC for Customer Relationship Management Software for the Visitors and Tourism Division.

Resolution #22,121, approving six occupancy permits prior to the acceptance of public improvements in Western Home Communities Ninth Addition.

Resolution #22,122, approving a Central Business District (CBD) Overlay Zoning District site plan for facade improvements at 201 Main Street.

Resolution #22,123, approving the final plat of Chrisbro Subdivision, a Replat of Lot 3, Lockard Pines.

Resolution #22,124, approving and accepting the contract and bond of Feldman Concrete, for the 2020 Sidewalk Assessment.

Resolution #22,125, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with Trinity Bible Church relative to a post-construction stormwater management plan for 125 Orchard Drive.

Resolution #22,126, approving and accepting the quote of Peterson Contractors, Inc., in the amount of \$106,611.00, and authorizing expenditure of funds for the Mandalay Slope Stabilization 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried. The Mayor then declared Resolutions #22,116 through #22,126 duly passed and adopted.

53003 - It was moved by deBuhr and seconded by Harding that Resolution #22,127, approving and accepting the low bid of Boulder Contracting, LLC, in the amount of \$277,914.28, for the 2020 Street Patching Project, be adopted. Following a question 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller.

Nay: None. Motion carried. The Mayor then declared Resolution #22,127 duly passed and adopted.

- 53004 - It was moved by Miller and seconded by Darrah that Resolution #22,128, approving and accepting the contract and bond of Boulder Contracting, LLC for the 2020 Street Patching 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion Carried. The Mayor then declared Resolution #22,128 duly passed and adopted.
- 53005 - It was moved by Miller and seconded by Darrah that Resolution #22,129, approving the Certificate of Completion and accepting the work of Lodge Construction Inc. for the 100 Block Alley Reconstruction Project, be adopted. Following a question by Councilmember Miller and response 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried. The Mayor then declared Resolution #22,129 duly passed and adopted.
- 53006 - It was moved by Miller and seconded by Harding that Resolution #22,130, approving and authorizing submission of an Iowa Clean Air Attainment Program (ICAAP) grant application to the Iowa Department of Transportation (IDOT) for Traffic Flow Improvements relative to the West 27th Street Reconstruction Project, be adopted. Following a comment by Councilmember Sires, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Darrah, Dunn, Miller. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,130 duly passed and adopted.
- 53007 - It was moved by Darrah and seconded by Harding that Resolution #22,131, setting October 5, 2020 as the date of public hearing on a proposal to undertake a public improvement project for the Greenhill Road and South Main Street Intersection Improvements Project, and to authorize acquisition of private property for said project, be adopted. Following questions and comments by Penny Popp, 4805 South Main Street, Rick Sharp, 1623 Birch Street, and Thomas (T.J.) Frein, 1319 Austin Way, and Councilmembers Sires and Dunn, and responses by Mayor Green and City Administrator Gaines, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried. The Mayor then declared Resolution #22,131 duly passed and adopted.
- 53008 - It was moved by deBuhr and seconded by Harding that the bills and payroll of September 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried.
- 53009 - It was moved by Kruse and seconded by Harding to direct staff to bring forward a

proposal for a one-way design for Washington Street. Following questions and comments by Councilmembers Kruse, Miller, deBuhr and Harding, and responses by Public Works Director Schrage, City Engineer Wicke, City Administrator Gaines and Mayor Green, Councilmember Kruse withdrew the motion.

- 53010 - Public Safety Services Director Olson responded to concerns expressed by Councilmember Dunn regarding bars and party buses not following social distancing guidelines.

Councilmember Kruse commented on the plans and proposed intersection controls for the West 12th Street and Walnut Street intersection.

- 53011 - Finance and Business Operations Director Rodenbeck provided an update on paid parking in the Downtown and College Hill lots.

Community Development Director Sheetz announced the upcoming charrette for the College Hill Visioning project, 'Imagine College Hill' from October 3-8.

Communications Specialist Huisman provided information about the 2020 Census and encouraged residents to complete the census before the September 30th deadline.

- 53012 - Mayor Green provided responses to various questions posed at the September 8, 2020 City Council Meeting and Public Works Director Schrage announced the placement of temporary parking accommodations adjacent to the Place to Play Park.

Public Safety Services Director Olson, Mayor Green and City Attorney Rogers responded to questions and comments by Rick Sharp, 1623 Birch Street, and Councilmember Harding regarding details of a previously proposed resolution that received no motions.

Public Safety Services Director Olson responded to questions by Rick Sharp, 1623 Birch Street, and Thomas (T.J.) Frein, 1319 Austin Way, regarding cross-training and mask mandate exemptions for public safety officers.

Thomas (T.J.) Frein, 1319 Austin Way, commented on positive feedback received on the temporary parking solutions adjacent to the Place to Play Park.

Mayor Green and Councilmember Harding responded to comments by Jim Skaine, 2215 Clay Street, regarding public comments and transparency.

- 53013 - It was moved by Harding and seconded by Miller that the meeting be adjourned at 9:06 P.M. Motion carried unanimously.