

**CITY HALL  
CEDAR FALLS, IOWA, JULY 6, 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 7:14 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, Taiber. Absent: None.

- 52875 - It was moved by Harding and seconded by Sires that the minutes of the Regular Meeting of June 15, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 52876 - Mayor Green announced that in accordance with the public notice of June 19, 2020, this was the time and place for a public hearing on the proposed plans, specifications, form of contract and estimate of cost for the 2020 Seal Coat Project. It was then moved by Darrah and seconded by Sires that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52877 - The Mayor then asked if there were any written communications filed to the proposed plans, etc. 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 plans, etc. and responded to a question by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.
- 52878 - It was moved by Darrah and seconded by Kruse that Resolution #22,023, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2020 Seal Coat 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, Taiber. Nay: None. Motion Carried. The Mayor then declared Resolution #22,023 duly passed and adopted.
- 52879 - Mayor Green announced that in accordance with the public notice of June 19, 2020, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Clay Street Park Water Quality Improvements Project. It was then moved by Miller and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52880 - The Mayor then asked if there were any written communications filed to the proposed plans, etc. 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 project. There being no one else present wishing to speak about the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.

- 52881 - It was moved by Kruse and seconded by Darrah that Resolution #22,024, approving and adopting the plans, specifications, form of contract & estimate of cost for the Clay Street Park Water Quality Improvements Project, be adopted. Following questions by Councilmembers Taiber and Darrah, and responses by Civil Engineer Tolan, 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, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #22,024 duly passed and adopted.
- 52882 - Mayor Green announced that in accordance with the public notice of June 22, 2020, this was the time and place for a public hearing on the FFY20 Annual Action Plan for Community Development Block Grant (CDBG) and HOME Program funding. 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.
- 52883 - 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 plan, and Mayor Green responded to a question by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed plan, the Mayor declared the hearing closed and passed to the next order of business.
- 52884 - It was moved by Harding and seconded by Darrah that Resolution #22,025, approving and authorizing submission of the FFY20 Annual Action Plan for Community Block Grant (CDBG) and HOME Program funding, 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #22,025 duly passed and adopted.
- 52885 - Mayor Green announced that in accordance with the public notice of June 19, 2020, this was the time and place for a public hearing on a proposed Agreement for Private Development with Community Bank and Trust, a Division of Cedar Rapids Bank and Trust Company. 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.
- 52886 - 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. Bob Seymour, 2710 Country Meadow Lane, and Community Bank and Trust

Representative Stacey Bentley also commented. 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.

- 52887 - It was moved by Darrah and seconded by Harding that Resolution #22,026, approving and authorizing execution of an Agreement for Private Development with Community Bank and Trust, a Division of Cedar Rapids Bank and Trust Company, 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, Taiber. Nay: None. Motion Carried. The Mayor then declared Resolution #22,026 duly passed and adopted.
- 52888 - Mayor Green announced that in accordance with the public notice of June 23, 2020, this was the time and place for a public hearing on the proposed rezoning from R-1 Residence District and A-1 Agricultural District, to RP Planned Residence District, of property located east of Union Road and north of West 27th Street. 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.
- 52889 - 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. Community Services Manager Howard provided information on the proposed rezoning and requested that the public hearing be continued. It was then moved by Darrah and seconded by Harding to continue the hearing to the July 20, 2020 Council meeting. Motion carried unanimously.
- 52890 - Mayor Green announced that in accordance with the public notice of June 19, 2020, this was the time and place for a public hearing on the on the proposed vacation of a portion of existing storm sewer easement located on Lot 1, Block 17, Original Plat (312 West 1st Street). 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.
- 52891 - The Mayor then asked if there were any written communications filed on the proposed vacation. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Community Services Manager Howard provided a brief summary of the proposed vacation and responded to questions by Developer Brent Dahlstrom, 5016 Samantha Circle, and Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed vacation, the Mayor declared the hearing closed and passed to the next order of business.
- 52892 - It was moved by Kruse and seconded by Harding that Resolution #22,027, vacating a portion of an existing storm sewer easement on Lot 1, Block 17, Original Plat; and rescinding Resolution #21,932, 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, Taiber. Nay: None. Motion Carried. The Mayor then

declared Resolution #22,027 duly passed and adopted.

52893 - It was moved by Kruse to renew reconsideration of Resolution #21,985, approving and authorizing execution of an Agreement with Perkins & Will relative to developing a Resilience Plan for the City of Cedar Falls, due to the absence of a Councilmember at the June 15, 2020 Council meeting. Motion to reconsider failed for lack of a second.

52894 - It was moved by Miller and seconded by Harding that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file a proclamation recognizing July 11, 2020 as 1-133d Infantry Regiment - Ironman Battalion Day.

Approve the following applications for beer permits and liquor licenses:

- a) Dollar General, 1922 Valley Park Drive, Class C Beer & Class B Wine - renewal.
- b) King Star, 2228 Lincoln Street, Class C beer & Class B native wine - renewal.
- c) Amvets, 1934 Irving Street, Class A liquor & outdoor service - renewal.
- d) The Other Place, 2214 College Street, Class C liquor - renewal.
- e) B & B West, 3105 Hudson Road, Class E liquor - renewal.

Motion carried unanimously.

52895 - It was moved by Harding and seconded by Darrah to receive and file the Committee of the Whole minutes of June 15, 2020 relative to the following items:  
a) Planning & Zoning Commission Interview - Dale Schrad.  
b) High School site.  
c) River Place Development Agreement & Downtown Parking.  
d) Cash Management Report.  
e) Bills & Payroll.

Following a question by Jim Skaine, 2215 Clay Street, and response by Mayor Green, the motion carried unanimously.

52896 - It was moved by Darrah and seconded by Harding to receive and file the City Council Work Session minutes of June 22, 2020 relative to the following items:  
a) Response to Resistance (Use of Force) Presentation.  
b) Use of Force discussion and consensus building by City Council.

Following a question by Jim Skaine, 2215 Clay Street, and response by Mayor Green, the motion carried unanimously.

52897 - It was moved by Darrah and seconded by Miller to receive and file Departmental Monthly Reports of May 2020. Following a question by Jim Skaine, 2215 Clay Street, and response by Mayor Green, the motion carried unanimously.

52898 - It was moved by Kruse and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #22,028, approving and authorizing a form of Loan Agreement; and authorizing and providing for the issuance of \$3,430,000 General Obligation Loan Notes, Series 2020 and levying a tax to pay said bonds; and approving the Tax Exemption Certificate and Continuing Disclosure Certificate.

Resolution #22,029, approving and authorizing execution of an Agreement for Painting Services with Pospisil Painting, Inc. relative to sandblasting and painting three pools at the Falls Aquatic Center.

Resolution #22,030, approving and authorizing execution of a lease relative to property vacated by the 2008 flood buyout programs.

Resolution #22,031, approving and authorizing execution of an Agreement for Elevator Maintenance with O'Keefe Elevator Company, Inc. relative to elevator maintenance services for city-owned elevators from August 1, 2020 thru July 31, 2023.

Resolution #22,032, approving and authorizing execution of an Access Agreement for Solid Waste Collection Services with Hanna Park Condominiums Owners' Association relative to garbage, yard waste and refuse services.

Resolution #22,033, approving and authorizing execution of a Contracted Education Proposal with Hartman Reserve Nature Center relative to providing public outreach and educational programs from July 1, 2020 thru June 30, 2023 related to improving water quality and stormwater runoff.

Resolution #22,034, approving and authorizing execution of an Agreement for a Surface Transportation Block Grant (STBG) Program Federal-aid Swap Project with the Iowa Department of Transportation relative to the Cedar Heights Drive Reconstruction Project.

Resolution #22,035, approving and authorizing execution of an Agreement for the Traffic Safety Improvement (TSIP) Program Funding with the Iowa Department of Transportation relative to the Cedar Heights Drive Reconstruction Project.

Resolution #22,036, approving and authorizing execution of fourteen Owner Purchase Agreements and two Tenant Purchase Agreements, and approving and accepting fourteen Temporary Construction Easements, in conjunction with the Cedar Heights Drive Reconstruction Project.

Resolution #22,037, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with Panther Farms, LLC relative to a post-construction stormwater management plan for Prairie Winds 5th Addition.

Resolution #22,038, approving and authorizing execution of a Contract for Completion of Improvements with Panther Farms, LLC relative to the final plat of Prairie Winds 5th Addition.

Resolution #22,039, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with White Coat Series II, LLC relative to a

post-construction stormwater management plan for Pheasant Hollow Seventh Addition.

Resolution #22,040, approving and authorizing execution of a Contract for Completion of Improvements with White Coat Series II, LLC relative to the final plat of Pheasant Hollow Seventh Addition.

Resolution #22,041, approving and authorizing execution of a Professional Service Agreement with AECOM Technical Services, Inc. for design services relative to the West 27th Street Reconstruction Project.

Resolution #22,042, approving a revised Highway 20 Commercial Corridor Overlay Zoning District site plan for construction of convenience store/gas station/automobile service station to be located on Lot 2, Gateway Business Park at Cedar Falls I.

Resolution #22,043, approving the preliminary plat of Immanuel Evangelical Lutheran Church Addition.

Resolution #22,044, approving the final plat of Immanuel Evangelical Lutheran Church Addition.

Resolution #22,045, approving a Mixed Use (MU) Residential Zoning District site plan for expansion of a parking lot located at 4820 Oster Parkway.

Resolution #22,046, approving the final plat of Prairie Winds 5th Addition.

Resolution #22,047, approving the final plat of Pheasant Hollow Seventh Addition.

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, Taiber. Nay: None. Motion carried. The Mayor then declared Resolutions #22,028 through #22,047 duly passed and adopted.

52899 - It was moved by Darrah and seconded by Miller that Resolution #22,048, approving and adopting certain revised Personnel Policies, be adopted. Following questions and comments by Councilmembers Harding and Sires, and Mayor Green, and responses by City Attorney Rogers, it was moved by Sires and seconded by Kruse to amend the Personnel Policies, striking anything relating to elected officials.

Following comments by Councilmember Harding, it was moved by Harding and seconded by Kruse to amend the amendment by changing wording of "city officials" to "appointed officials" and striking "elected officials". Following questions and comments by Councilmembers Miller, Harding, deBuhr, Kruse, Darrah, Sires and Taiber, Penny Popp, 4805 South Main Street, and LeaAnn Saul, 1825 West Greenhill Road, and responses by City Attorney Rogers, Mayor Green and Finance and Business Operations Director Rodenbeck, Councilmember Harding withdrew his motion to amend the amendment.

It was then moved by Miller and seconded by deBuhr to amend the amendment by removing “and city officials” from Policy 807 (2). Following questions and comments by Councilmembers Kruse and Sires, Councilmember Miller withdrew his motion to amend the amendment.

After calling the question on the original motion to amend, that motion failed 2-5 with Councilmembers Miller, deBuhr, Harding, Darrah and Taiber voting Nay.

It was then moved by deBuhr and seconded by Taiber to amend the original motion by removing “and city officials” from Policy 807(2). Following a comment by Jim Skaine, 2215 Clay Street, the motion to amend carried unanimously.

The Mayor then put the question on the original motion to approve and adopt certain revised Personnel Policies, as amended, and upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Taiber. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,048 duly passed and adopted, as amended.

- 52900 - It was moved by Darrah and seconded by deBuhr that Resolution #22,049, approving and adopting the City’s FY21 Payroll Resolution, 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, Taiber. Nay: None. Motion Carried. The Mayor then declared Resolution #22,049 duly passed and adopted.
- 52901 - It was moved by deBuhr and seconded by Darrah that Resolution #22,050, approving the recommendation of the Director of Public Safety Services and City Administrator by appointing Craig Berte as Acting Police Chief, be adopted. Following questions and comments by Councilmembers Taiber, Sires, Harding, Miller and deBuhr, 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #22,050 duly passed and adopted.
- 52902 - It was moved by Darrah and seconded by deBuhr that Ordinance #2968, amending Chapter 2, Administration, of the Code of Ordinances relative to establishing a Human Resources Division within the Department of Finance and Business Operations, be passed upon its first consideration. Following a question by Councilmember Darrah and response by Finance and 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, Taiber. Nay: None. Motion carried.
- 52903 - It was moved by Harding and seconded by Kruse that the bills and payrolls of July 6, 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Nay: None.

Motion carried.

- 52904 - It was moved by deBuhr and seconded by Darrah to discuss in a work session, the re-establishment of separate Council Committees. Following a question by Councilmember Darrah and response by Councilmember deBuhr, the motion carried unanimously.

It was then moved by Kruse and seconded by Miller to refer to the Committee of the Whole, parking of commercial trailers on public streets in residential areas. Motion carried unanimously.

- 52905 - Councilmember Sires wished his mother a happy birthday and reminded citizens to vote on July 7th.

Community Development Director Sheetz and City Administrator Gaines responded to a question by Councilmember deBuhr regarding the connection of Ironwood Drive and Greenhill Road.

Mayor Green noted the recent passing of Jeanine Johnson, and recognized her for her work with the Historic Preservation Commission.

- 52906 - City Administrator Gaines, Finance and Business Operations Director Rodenbeck, Mayor Green and Community Development Director Sheetz provided updates and responded to questions by Councilmembers Harding, Kruse and Miller regarding COVID-19 facility closures, staffing numbers and current City practices.

- 52907 - Wendy Hoofnagle, 3119 Grand Boulevard, commented on the City's FY21 Payroll Resolution.

Developer Brent Dahlstrom, 5016 Samantha Circle, spoke about the West Fork Crossing Development Agreement and Community Services Manager Howard provided clarification to a follow-up question by Councilmember Miller.

Public Safety Services Director Olson and Mayor Green responded to comments by Jim Skaine, 2215 Clay Street.

Mayor Green thanked Councilmember Taiber for his service in filling the Council vacancy.

- 52908 - It was moved by Harding and seconded by Miller that the meeting be adjourned at 9:34 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk