

**CITY HALL
CEDAR FALLS, IOWA, SEPTEMBER 8, 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 7:00 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, Dunn. Absent: None.

- 52960 - It was then moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of August 17, 2020 and Special Meeting of August 19, 2020 be approved as presented and ordered of record. Motion carried unanimously.

- 52961 - Mayor Green announced that in accordance with the public notice of August 21, 2020, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2020 Street Patching 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.

- 52962 - 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 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.

- 52963 - It was moved by Kruse and seconded by Harding that Resolution #22,096, approving and adopting the plans, specifications, form of contract & estimate of cost 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 #22,096 duly passed and adopted.

- 52964 - It was moved by Kruse and seconded by Harding 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 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried.

- 52965 - It was moved by Harding and seconded by Darrah that Resolution #22,097,

adopting a face mask mandate for the City of Cedar Falls, be adopted.

The following individuals spoke in support of the proposed mandate:

Mark Nook, University of Northern Iowa President
Kendra Wohlert, 1416 Madison Street
Nate Didier, 501 Barbara Drive
Joyce Coil, 4404 Harvest Lane
Kathryn Sogard, Executive Director of College Hill Partnership, 330
Columbia Circle, Waterloo
Deb Bernard, 2922 Shady Lane
Jim Skaine, 2215 Clay Street

The following individuals spoke opposed to the proposed mandate:

Karen Bigelow Baker, 1826 Quail Run Lane
Thomas (T.J.) Frein, 1319 Austin Way
Craig Fairbanks, 405 Spruce Hills Drive
Zachary Thoma, 861 Maucker Road

The following individuals provided general comments:

Jeremy Sulentic, 1008 Rocklyn Street
Rick Sharp, 1623 Birch Street

Following a comment by Councilmember Harding, it was then moved by Harding and seconded by Kruse to amend the resolution to state "face coverings for children aged 5 and above". Following questions and comments by Councilmembers Dunn, Kruse and deBuhr, and responses by Black Hawk County Health Department Doctor Nafissa Cisse Egbuonye and City Attorney Rogers, the motion to amend carried 4-3 with Darrah, Dunn and Miller voting Nay.

Following questions and comments by Councilmembers deBuhr, Harding, Dunn and Kruse, and responses by City Attorney Rogers, it was moved by Kruse and seconded by Sires to further amend the resolution to state "strong recommendation" instead of "mandate". Following discussion by Councilmembers Kruse, Miller, Dunn, deBuhr and Sires, the motion to amend failed with Harding, Darrah, Dunn and Miller voting Nay.

Following additional comments by Councilmembers Miller, deBuhr and Dunn, the Mayor put the question on the original motion as amended, and upon call of the roll, the following named Councilmembers voted. Aye: Harding, Darrah, Dunn, Miller. Nay: deBuhr, Kruse, Sires. Motion carried. The Mayor then declared Resolution #22,097 duly passed and adopted, as amended.

52966 - It was moved by Harding and seconded by Kruse that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file a proclamation recognizing the week of September 6-12, 2020 as Suicide Prevention and Recovery Week.

Receive and file a proclamation recognizing the week of September 17-23, 2020

as Constitution Week.

Approve the following recommendation of the Mayor relative to the appointment of members to Boards and Commissions.

a) Nathan Arndt, Historic Preservation Commission, term ending 03/31/2022.

Receive and file the City Council Work Session minutes of August 17, 2020 relative to City Council Committee Structure.

Receive and file Departmental Monthly Reports for July 2020.

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

a) Panther Travel Center, 1525 West Ridgeway Avenue.

b) United Wine & Liquor, 2211 College Street.

Approve the following applications for beer permits and liquor licenses:

a) Fleet Farm, 400 West Ridgeway Avenue, Class C beer & Class B wine - renewal.

b) Fleet Farm Fuel, 108 West Ridgeway Avenue, Class C beer & Class B wine - renewal.

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

d) Metro Mart, 103 Franklin Street, Class C beer - renewal.

e) Murphy USA, 518 Brandilynn Boulevard, Class C beer - renewal.

f) Hilton Garden Inn, 7213 Nordic Drive, Class B liquor, Class B native wine & outdoor service - renewal.

g) The Pump Haus Pub & Grill, 311 Main Street, Class C liquor & outdoor service - renewal.

h) Wilbo, 118 Main Street, Class C liquor - renewal.

i) Casey's General Store, 1225 Fountains Way, Class E liquor - renewal.

j) Chuck E. Cheese's, 5911 University Avenue, Class B beer – change in ownership.

k) United Wine & Liquor, 2211 College Street, Class E liquor – new.

Motion carried unanimously.

52967 - It was moved by Miller and seconded by Harding to receive and file the City Council Work Session minutes of August 26, 2020 relative to COVID-19 Mitigation Options Discussion. Following a comment by Rick Sharp, 1623 Birch Street, and response by City Attorney Rogers, it was then moved by deBuhr and seconded by Kruse to amend the original motion to reflect that the meeting was held at a time that did not work for Councilmember deBuhr. The motion to amend carried unanimously. Mayor Green then put the question back on the original motion, as amended, and the motion carried unanimously.

52968 - It was moved by deBuhr and seconded by Miller to receive and file the City Council Work Session minutes of August 31, 2020 relative to COVID-19 Mitigation Options Discussion. It was then moved by Kruse and seconded by Darrah to amend the original motion to reflect that the meeting was held at a time

that did not work for Councilmember deBuhr. The motion to amend carried unanimously. Mayor Green then put the question on the original motion, as amended, and the motion carried unanimously.

52969 - It was moved by Kruse and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #22,098, approving and authorizing execution of a Settlement Agreement and Release with JKC Investments, LLC relative to the Cyber Lane-2018 Street Construction Project.

Resolution #22,099, levying a final assessment for costs incurred by the City to mow the property located at 1227 West 22nd Street.

Resolution #22,100, levying a final assessment for costs incurred by the City to mow the property located at 2208 Coventry Lane.

Resolution #22,101, approving and authorizing execution of a Managed Content Licensing and Servicing Agreement with Gordon Flesch Company, Inc. relative to replacement of the City's document imaging system.

Resolution #22,102, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the Campus Street Box Culvert Project.

Resolution #22,103, approving and accepting completion of public improvements in Prairie Winds 4th Addition.

Resolution #22,104, approving and authorizing execution of Supplemental Agreement No. 2 to the Professional Service Agreement with Snyder & Associates, Inc. relative to the Union Road Recreational Trail Project – 12th Street to 27th Street.

Resolution #22,105, approving and authorizing execution of a First Amendment to Agreement for Professional Services with Pathways Behavioral Services, Inc. for additional Community Development Block Grant (CDBG) funding relative to the CARES Act.

Resolution #22,106, setting September 21, 2020 as the date of public hearing on proposed funding distribution of the State's Community Development Block Grant (CDBG-CV) funding relative to the CARES Act.

Resolution #22,107, setting September 21, 2020 as the date of public hearing on a proposed ordinance granting a partial property tax exemption for Owen 5, LLC for construction of an industrial use shop/office facility at 1325 Rail Way.

Resolution #22,108, setting September 21, 2020 as the date of public hearing on a proposed ordinance granting a partial property tax exemption for Zuidberg NA, LLC for construction of an industrial use warehouse and office facility at 2700 Capital Way.

Resolution #22,109, setting September 21, 2020 as the date of public hearing on a proposed ordinance granting a partial property tax exemption for Tjaden Properties, LLC for construction of an industrial use manufacturing/shop facility at 2800 Technology Parkway.

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 #22,098 through #22,109 duly passed and adopted.

- 52970 - A proposed resolution approving the recommendation of the Mayor to proceed with consideration of the removal of a Planning & Zoning Commissioner, failed for lack of motion.
- 52971 - It was moved by deBuhr and seconded by Miller that Resolution #22,110, approving and authorizing execution of a lease relative to property vacated by the 2008 flood buyout programs, be adopted. Following appreciative comments by Councilmember Miller towards neighboring property owners, 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 #22,110 duly passed and adopted.
- 52972 - It was moved by Darrah and seconded by Miller that Resolution #22,111, approving and authorizing execution of an Iowa Transportation Alternatives Program (TAP) Project Federal-Aid Agreement with the Iowa Department of Transportation (IDOT) relative to the Lake Street Recreational Trail Project – Central Avenue east to Big Woods Trail Connection, 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 #22,111 duly passed and adopted.
- 52973 - It was moved by Harding and seconded by Darrah that Resolution #22,112, approving and authorizing payment, not to exceed \$88,930.00, to River Place Properties, LC for brick paver upgrades to the Plaza public sidewalk in the event that an Amendment to the Agreement for Private Development with River Place Properties, LC is not executed, 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried. The Mayor then declared Resolution #22,112 duly passed and adopted.
- 52974 - It was moved by Miller and seconded by Harding that Resolution #22,113, setting September 21, 2020 as the date of public hearing to consider entering into a

proposed Agreement for Private Development with Panther Builders, LLC, 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: deBuhr, Kruse, Harding, Darrah, Sires, Dunn, Miller. Nay: None. Motion carried. The Mayor then declared Resolution #22,113 duly passed and adopted.

52975 - It was moved by Darrah and seconded by Harding 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 first consideration. Public Works Director Schrage provided a summary of the proposed ordinance and responded to questions by Councilmembers Kruse and Sires. The Mayor then 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.

52976 - It was moved by Kruse and seconded by Darrah that the bills and payroll of September 8, 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.

52977 - It was moved by deBuhr and seconded by Kruse to refer the next City Council meeting consideration to return to Council Chambers for in-person Council Meetings. Following comments by City Attorney Rogers and Mayor Green, the motion carried unanimously.

It was moved by Dunn and seconded by Kruse to refer to the Committee of the Whole parking issues around the Place to Play Park. Following comments by Councilmembers Kruse, Sires, Miller and Darrah and responses by City Administrator Gaines and Community Development Director Sheetz, Councilmember Dunn withdrew the motion.

52978 - Councilmember Miller announced that Principal Engineer Fitch was leaving the City and expressed appreciation for his service.

Councilmember Harding encouraged the public to continuing supporting the local bars and businesses.

52979 - Mayor Green responded to questions and comments by Rick Sharp, 1623 Birch Street, Thomas (T.J.) Frein, 1319 Austin Way, and Jeremy Sulentic, 1008 Rocklyn Street, regarding the mask mandate enforcement and signage responsibilities.

Rick Sharp, 1623 Birch Street, and Josh Wilson, 100 East 2nd Street, commented on Council Meetings being open to the public and returning to Council Chambers, and Mr. Wilson expressed appreciation to City Attorney

Rogers for taking time to speak with him recently.

Thomas (T.J.) Frein, 1319 Austin Way, requested temporary solutions for the parking issues at the Place to Play Park.

Bob Manning, 2908 West 3rd Street, Executive Officer of Cedar Valley Home Builders, announced the Cedar Valley Parade of Homes event, September 17-20, 2020.

Jim Skaine, 2215 Clay Street, commented on the proclamation recognizing the Constitution and requested the term "germane" be removed from agendas.

52980 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 9:35 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk