

**CITY HALL  
CEDAR FALLS, IOWA, JUNE 7, 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 7:30 P.M. on the above date. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Absent: None.

- 53343 - It was moved by Darrah and seconded by Harding that the minutes of the Regular Meeting of May 17, 2021 be approved as presented and ordered of record. Motion carried unanimously.
- 53344 - Public Safety Director Olson responded to a request by Rosemary Beach, 5018 Sage Road, for the speed trailer to monitor vehicle speed on 1<sup>st</sup> Street from Washington Street east to the bridge.

The following individuals spoke about the Juneteenth proclamation and racial equity:

Andrea Geary, Cedar Falls  
Sam Blatt, 806 Seerley Boulevard  
Max Tensen, 1318 West 5th Street  
Clifton Jenes, 217 Butler Avenue, Waterloo

Jim Skaine, 2215 Clay Street, spoke opposed to the agenda format and requested changes.

T.J. Frein, 1319 Austin Way, commended City Council for the job they do.

- 53345 - Mayor Green recognized Councilmember Frank Darrah for receiving the 2021 Representative Citizen award.

Mayor Green then read the following proclamations:

Proclamation recognizing June 13-19, 2021 as Bird-Friendly City Week. Lorene Wellnitz accepted the proclamation. Following the presentation, Mayor Green accepted an award from the Bird-Friendly Iowa Steering Committee for the City receiving statewide designation as a Bird-Friendly City.

Proclamation recognizing June 19, 2021 as Juneteenth – Freedom Day. President of the Black Hawk County Chapter of the NAACP LaTanya Graves accepted the proclamation and commented.

- 53346 - Mayor announced that in accordance with the public notice of May 21, 2021, this was the time and place for a 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. 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.

- 53347 - 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. Following questions and comments by Lisa Johnson, 4923 Hudson Road (opposes), T.J. Frein, 1319 Austin Way, Dave Nichol, 4919 Hudson Road (supports), and Jim Skaine, 2215 Clay Street, and responses by Public Works Director Schrage, the Mayor declared the hearing closed and passed to the next order of business.
- 53348 - It was moved by Darrah and seconded by Harding that Resolution #22,386, approving a public improvement project for the Ashworth Drive Extension Project and authorizing acquisition of private property for said project, be adopted. Following questions and comments by Councilmembers Harding and Sires, and responses 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,386 duly passed and adopted.
- 53349 - Mayor announced that in accordance with the public notice of May 21, 2021, this was the time and place for a public hearing on the proposed plans, specifications, form of contract, and estimate of cost for the West 2th Street Sanitary Sewer Extension 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.
- 53350 - 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. Civil Engineer Tolan provided a brief summary of the proposed project. There being no one else present wishing to speak about the project, the Mayor declared the hearing closed and passed to the next order of business.
- 53351 - It was moved by Kruse and seconded by Harding that Resolution #22,387, approving proposed plans, specifications, form of contract, and estimate of cost for the West 27th Street Sanitary Sewer Extension 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, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,387 duly passed and adopted.
- 53352 - Mayor announced that in accordance with the public notice of May 21, 2021, this was the time and place for a public hearing on the proposed plans, specifications, form of contract, and estimate of cost for the Oak Park Boulevard Sanitary Sewer Replacement 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.
- 53353 - 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. Civil Engineer Tolan provided a brief summary of the proposed project. There being no one else present wishing to speak about the project, the Mayor declared the hearing closed and passed to the next order of business.

- 53354 - It was moved by Harding and seconded by Miller that Resolution #22,388, approving proposed plans, specifications, form of contract, and estimate of cost for the Oak Park Boulevard Sanitary Sewer Replacement 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, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,388 duly passed and adopted.
- 53355 - It was moved by Harding and seconded by Darrah 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 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.
- 53356 - It was moved by Harding and seconded by Miller that Ordinance #2990, amending Chapter 2, Administration, of the Code of Ordinances relative to Boards and Commissions, be passed upon its second consideration. Following questions by Jim Skaine, 2215 Clay Street and Councilmember deBuhr, and responses by City Attorney Rogers and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Harding, Darrah, Sires, Dunn. Nay: deBuhr. Motion carried.
- 53357 - It was moved by Harding and seconded by deBuhr 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, be passed upon its second consideration. Following comments by T.J. Frein, 1319 Austin Way, and responses by Director of Public Works Schrage, it was moved by deBuhr and seconded by Harding that the rules requiring Ordinance #2991 be considered at three separate meetings, be suspended. 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.

It was then moved by deBuhr and seconded by Harding 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, be passed upon its third & 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: Miller, deBuhr, Kruse, Harding,

Darrah, Sires, Dunn. Nay: None. The Mayor then declared Ordinance #2991 duly passed and adopted.

53358 - It was moved by Miller and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

Receive and file the Mayor's Monthly Report for May 2021.

Receive and file the report of the Mayor relative to the appointment of standing committees for 2021.

Receive and file the resignation of Willie B. Barney, Jr. as a member of the Human Rights Commission effective June 15, 2021.

Approve the following recommendations of the Mayor relative to the reappointment of members to Boards and Commissions:

- a) Stephanie Houk Sheetz, Metropolitan Transit Authority Board of Trustees, term ending 06/30/2024.
- b) Lauren Finke, Art & Culture Board, term ending 07/01/2025.
- c) Kendra Wohlert, Art & Culture Board, term ending 07/01/2025.

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

Receive and file Departmental Monthly Reports of April, 2021.

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

- a) Cypress Lounge, 209 State Street Suite A.
- b) Fareway, 4500 South Main Street.
- c) Fareway, 214 North Magnolia Drive.
- d) Hill Street News & Tobacco, 2217 College Street.
- e) King Star, 2228 Lincoln Street.
- f) Kwik Star, 7500 Nordic Drive.
- g) Kwik Star, 2019 College Street.
- h) Kwik Star, 4515 Coneflower Parkway.
- i) Panther Travel Center, 1525 West Ridgeway Avenue.
- j) Suds, 2223 1/2 College Street.
- k) Tobacco Outlet Plus, 4116 University Avenue Suite 104-105.
- l) Walgreens, 2509 Whitetail Drive.
- m) Walmart, 525 Brandilynn Boulevard.

Approve the following applications for beer permits and liquor licenses:

- a) Kwik Star, 2019 College Street, Class C beer & Class B wine - renewal.
- b) Kwik Star, 7500 Nordic Drive, Class C beer & Class B wine - renewal.
- c) Famous Dave's, 6222 University Avenue, Class C liquor -renewal.
- d) Harry's Five and Dime, 123 Main Street, Class C liquor - renewal.
- e) Los Cabos Mexican Restaurant, 112-114 Main Street, Class C liquor & outdoor service - renewal.
- f) Montage, 222-224 Main Street, Class C liquor & outdoor service - renewal.
- g) Mulligan's Brick Oven Grill & Pub, 205 East 18th Street, Class C liquor & outdoor service - renewal.

- h) Hy-Vee Food Store, 6301 University Avenue, Class E liquor - renewal.
- i) Prime Mart, 2323 Main Street, Class E liquor - renewal.
- j) Moonshine Mob Bar, 419 Main Street, Class C liquor & outdoor service - sidewalk café.
- k) Amvets, 1934 Irving Street, Class A liquor & outdoor service - temporary expansion of outdoor service area. (June 25-27, 2021)
- l) Sturgis Falls Celebration, Gateway Park, Special Class C liquor & outdoor service - 5-day permit.

Motion carried unanimously.

- 53359 - It was moved by Darrah and seconded by Harding to receive and file the Committee of the Whole minutes of May 17, 2021, relative to the following items:
- a) Downtown Zoning Ordinance.
  - b) Recreation Update.

Motion carried unanimously.

- 53360 - It was moved by Darrah and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #22,389, levying a final assessment for costs incurred by the City to remove snow and ice from the property located at 1122 West 22nd Street.

Resolution #22,390, levying a final assessment for costs incurred by the City to remove snow and ice from the property located at 2413 Olive Street.

Resolution #22,391, levying a final assessment for costs incurred by the City to remove snow and ice from the property located at 804 West Seerley Boulevard.

Resolution #22,392, levying a final assessment for costs incurred by the City to remove snow and ice from the property located at 818 West Seerley Boulevard.

Resolution #22,393, approving and authorizing execution of an Easement Agreement, in conjunction with a sidewalk café at 419 Main Street.

Resolution #22,394, approving and authorizing execution of a Service/Product Agreement with WEX Health, Inc. relative to providing COBRA Administrative Services.

Resolution #22,395, approving and authorizing execution of the renewal of the City's Long Term Disability Policy with National Insurance Services for FY22-FY24.

Resolution #22,396, approving and authorizing execution of an Agreement in Support of the Cedar Falls Community Theatre, Inc. relative to an FY2022 Community Betterment Grant.

Resolution #22,397, approving and authorizing execution of an Agreement in Support of the Cedar Falls Historical Society relative to an FY2022 Community Betterment Grant.

Resolution #22,398, approving and authorizing execution of an Agreement in

Support of the College Hill Partnership relative to an FY2022 Community Betterment Grant.

Resolution #22,399, approving and authorizing execution of an Agreement in Support of the University of Northern Iowa - Gallagher Bluedorn relative to an FY2022 Community Betterment Grant.

Resolution #22,400, approving and authorizing execution of an Agreement in Support of the Robert J. Hibbs Cedar Falls VFW Post 3896 Gold Star Family Memorial relative to an FY2022 Community Betterment Grant.

Resolution #22,401, approving and authorizing execution of an Agreement in Support of the Waterloo-Cedar Falls Symphony relative to an FY2022 Community Betterment Grant.

Resolution #22,402, approving and authorizing execution of a Service/Product Agreement with ePRepSolutions, LLC for a Comprehensive Financial Analysis of Recreation & Community Programs.

Resolution #22,403, approving and authorizing execution of a Service/Product Agreement with Bear Creek Archeology, Inc. for cultural resources identification survey (CRIS) services in the industrial park, in conjunction with the Iowa Economic Development Authority (IEDA) Certified Site Program.

Resolution #22,404, approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for facade improvements at 2125 College Street.

Resolution #22,405, approving and accepting an Ingress and Egress Easement relative to the 302 Main Street and 123 East 3rd Street properties.

Resolution #22,406, approving the Blain's Corner 2nd Addition Minor Subdivision Plat.

Resolution #22,407, approving a Hwy-1, Highway Commercial Zoning District site plan for construction of a grocery store at 315 Brandilynn Boulevard, as recommended by City staff.

Resolution #22,408, approving and authorizing the expenditure of funds for the purchase of an end loader for the Public Works Department.

Resolution #22,409, approving and authorizing execution of a Lease Agreement with the Black Hawk County Solid Waste Management Commission relative to the use of certain city-owned property located at 1500 Bluff Street by the WasteTrac environmental education team.

Resolution #22,410, approving the Certificate of Completion and accepting the work of Boulder Contracting, LLC for the 2020 Street Patching Project.

Resolution #22,411, receiving and filing the bids, and approving and accepting the low bid of Peterson Contractors Inc., in the amount of \$6,520,858.73, for the Cedar Heights Drive Reconstruction Project, and authorizing the City Engineer to execute the required contract, bond and insurance, using the Iowa Department of Transportation (IDOT) electronic file management system.

Resolution #22,412, approving and authorizing execution of Supplemental Agreement No. 3 to the Professional Service Agreement with Snyder & Associates, Inc. for construction services relative to the Cedar Heights Drive Reconstruction 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #22,389 through #22,412 duly passed and adopted.

- 53361 - It was moved by Harding and seconded by Miller that Resolution #22,413, approving a Proposal for Facilitation Services, and authorizing execution of a contract with Iowa State University Extension relative to the Racial Equity Task Force, be adopted. Following comments by Councilmembers Darrah, Dunn, and Miller, 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 Resolution #22,413 duly passed and adopted.
- 53362 - It was moved by Harding and seconded by Kruse that the bills and claims of June 07, 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.
- 53363 - City Administrator Gaines announced that the Cedar Falls Public Library re-opened to the public today.
- 53364 - It was moved by Harding and seconded by Miller to adjourn to Executive Session to evaluate the performance of the City Administrator pursuant to Iowa Code Section 21.5(1)(i). 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 8:48 P.M.

Mayor Green reconvened the Council meeting at 9:43 P.M.

- 53365 - It was moved by Darrah and seconded by Harding that the meeting be adjourned at 9:44 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk