

**CITY HALL
CEDAR FALLS, IOWA, MARCH 15, 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 7:07 P.M. on the above date. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn (via video conference). Absent: None.

53249 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of March 1, 2021 be approved as presented and ordered of record. Motion carried unanimously.

53250 - The Mayor then asked if there were any agenda revisions. City Clerk Danielsen noted that agenda item 14 contained a scrivener's error that incorrectly referenced a final plat instead of completion of public improvements of Pheasant Hollow Seventh Addition, noting that the supporting documents in the meeting packet were correct.

53251 - Rosemary Beach, 5018 Sage Road, requested lowering the speed limit near the intersection of West 1st Street and Main Street.

Jim Skaine, 2215 Clay Street, commented on Mayor/Administrator roles regarding the agenda, expressed his concerns with roundabouts on Main Street and his belief that the agenda does not conform to Robert's Rules of Order.

Rick Sharp, 1623 Birch Street, stated that he could not see the Council meeting in Zoom.

Mayor Green responded to a question by Councilmember Harding regarding control of the agenda and confirmed that he reviews and approves agenda items.

53252 - Mayor Green read a proclamation declaring March 22, 2021 as *March for Meals Day* and Northeast Iowa Area Agency on Aging representative Elise Bovy commented.

53253 - Mayor announced that in accordance with the public notice of March 5, 2021, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2021 Street Construction Project. It was then moved by Miller and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

53254 - 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 Claypool provided a brief summary of the proposed project. Following a question by Jim Skaine, 2215 Clay Street, and response by Claypool, the Mayor declared the

hearing closed and passed to the next order of business.

- 53255 - It was moved by Kruse and seconded by Miller that Resolution #22,292, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2021 Street Construction 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 #22,292 duly passed and adopted.
- 53256 - It was moved by Miller and seconded by Harding that Ordinance #2987, amending Chapter 26, Zoning, of the Code of Ordinances relative to adaptive re-use of institutional buildings, 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, Kruse, Harding, Darrah, Dunn. Nay: deBuhr. Sires. Motion carried.
- 53257 - It was moved by Kruse and seconded by deBuhr that Resolution #22,293, approving and authorizing execution of a Sturgis Falls Celebration Agreement for Use of City Parks and Services with Sturgis Falls Celebration, Inc, be adopted. Sturgis Falls Celebration President Jay Stoddard, 228 Maryhill Drive, provided a brief presentation.

The following individuals spoke in opposition to the proposed agreement:

Steve Husome, North Shore Boat Club Representative, 4909 Quesada Avenue
Bob Seymour, 2710 Country Meadow Lane
Brock Krejchi, 2312 Cypress Avenue

The following individual provided general comments:

Deb Stoddard, 228 Maryhill Drive

Following questions and comments by Councilmembers Harding, deBuhr, Sires, Kruse, Darrah and Miller, and responses by Public Works Director Schrage, Mayor Green, Finance & Business Operations Director Rodenbeck, City Administrator Gaines and City Attorney Rogers, it was moved by Miller and seconded by Harding to amend the motion to strike sub-section 6.L. and remove references to Island Park and the Island Park Beach House, and change the term of the agreement to one year. Following questions and comments by Councilmembers Harding, deBuhr, Kruse, Dunn and Sires, and responses by City Attorney Rogers, Mayor Green and Finance & Business Operations Director Rodenbeck, the Mayor separated the question. The motion to amend to limit the term of the agreement to one year carried unanimously. The motion to amend to remove references to Island Park and the Island Park Beach House, and to strike sub-section 6.L. in its entirety carried 4-3, with deBuhr, Kruse and Sires voting Nay. Following questions and comments by Councilmembers Harding and Miller, and response by City Attorney Rogers, the Mayor put the question on the original motion as amended, and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Harding, Darrah, Sires, Dunn. Nay: deBuhr,

Kruse. Motion carried. The Mayor then declared Resolution #22,293 duly passed and adopted.

- 53258 - It was moved by Darrah and seconded by Harding that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file the 2020 Annual Reports of the Planning & Zoning Commission, Board of Adjustment, Historic Preservation Commission, Group Rental Committee/Board of Rental Housing Appeals, Housing Commission and Bicycle & Pedestrian Advisory Committee.

Approve the following applications for beer permits and liquor licenses:

- a) Barn Happy, 11310 University Avenue, Class B native wine - renewal.
- b) Chilitos Mexican Bar and Grill, 1704 West 1st Street, Class C liquor - renewal.
- c) Social House, 2208 College Street, Class C liquor & outdoor service - renewal.
- d) The Stuffed Olive, The Roxxy and Deringer's Public Parlor 314-316 Main Street, Class C liquor & outdoor service - renewal.
- e) Hillstreet News & Tobacco, 2217 College Street, Class E liquor - renewal.
- f) Chad's Pizza & Restaurant, Birdsall Park Softball Complex, Class B beer & outdoor service - 6-month permit.
- g) River Place Plaza, 200 East 2nd Street – Plaza, Special Class C liquor & outdoor service – 8-month permit with exceptions.
- h) Scoopskis, 1828 Waterloo Road, Class B beer & outdoor service - new with exceptions.
- i) Ari'z, 6301 University Avenue, Class C liquor - new.

Motion carried unanimously.

- 53259 - It was moved by Darrah and seconded by Harding to receive and file the Work Session minutes of March 1, 2021, relative to the Mayor and City Administrator Roles. Following a question by Jim Skaine, 2215 Clay Street, and response by Mayor Green, the motion carried unanimously.

- 53260 - It was moved by Darrah and seconded by Harding to receive and file the Committee of the Whole minutes of March 1, 2021, relative to the 2009 & 2013 Complete Streets Review. Following a comment by Jim Skaine, 2215 Clay Street, the motion carried unanimously.

- 53261 - It was moved by Miller and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,294, levying a final assessment for costs incurred by the City to clean up the property located at 2520 Central Avenue.

Resolution #22,295, approving and authorizing execution of a Service/Products Agreement with the University of Northern Iowa (UNI GeoTREE Center) for 360° imagery and virtual tour of Cedar Falls landmarks.

Resolution #22,296, approving the Certificate of Completion and accepting the work of Invision Architecture for design services relative to the Public Safety

Facility.

Resolution #22,297, approving the Certificate of Completion and accepting the work of Peters Construction Corporation for the Public Safety Facility.

Resolution #22,298, approving and accepting completion of public improvements in Pheasant Hollow Seventh Addition.

Resolution #22,299, of support for a grant application to the Black Hawk County Gaming Association relative to the Cedar River Recreation Project.

Resolution #22,300, approving and authorizing execution of a Subrogation Agreement with Iowa Economic Development Authority (IEDA) relative to Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,301, approving and authorizing execution of a Subrecipient Agreement for Federally Funded Project with Cedar Falls School District for Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,302, approving and authorizing execution of a Subrecipient Agreement for Federally Funded Project with Ethnic Minorities of Burma Advocacy and Resource Center (EMBARC) for Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,303, approving and authorizing execution of a Subrecipient Agreement for Federally Funded Project with Exceptional Persons, Inc. for Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,304, setting April 5, 2021 as the date of public hearing on a proposal to enter into an Agreement for Private Development with Stone and Terrace, L.L.C. relative to the rehabilitation of 108 East 4th 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 #22,294 through #22,304 duly passed and adopted.

53262 - It was moved by Miller and seconded by Darrah that Resolution #22,305, approving and accepting the contract and bond of K. Cunningham Construction Company, Inc. for the Downtown Streetscape and Reconstruction Project - Phase II, be adopted. Following a question by Jim Skaine, 2215 Clay Street, and a 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,305 duly passed and adopted.

53263 - It was moved by Kruse and seconded by Miller that the bills and claims of March

15, 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.

- 53264 - It was moved by Kruse and seconded by Harding to refer to City staff the feasibility of recording the Planning and Zoning Work Sessions. Following questions and comments by Councilmembers Harding, Miller and Dunn and responses by City Administrator Gaines, Mayor Green and Attorney Rogers, the motion carried unanimously.
- 53265 - Councilmember Darrah gave an update on the Cedar Falls Racial Equity Task Force and thanked Human Resources Manager Toni Babcock for her work and involvement. Mayor Green also thanked Councilmembers Darrah and Dunn for their participation in the Task Force.
- 53266 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 9:06 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk