

**CITY HALL
CEDAR FALLS, IOWA, AUGUST 2, 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 7:03 P.M. on the above date. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Absent: None.

A moment of silence was observed in memory of former Councilmember Vernon Kolpek.

- 53426 - It was moved by Darrah and seconded by Harding that the minutes of the Regular Meeting of July 19, 2021 be approved as presented and ordered of record. Motion carried unanimously.

Mayor Green announced that Special Presentations would occur prior to Public Forum.

- 53427 - Mayor Green read a proclamation recognizing August 8-14, 2021 as National Health Center Week and People's Community Health Clinic CEO Christine Kemp commented.

- 53428 - Eashaan Vajpeyi, 3831 Convair Lane, commented on residential parking in the downtown area and the need for better management of public parking.

- 53429 - Mayor announced that in accordance with the public notice of July 23, 2021, this was the time and place for a continuation of the public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2021 CDBG Sidewalk Infill Project. It was then moved by Kruse and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file.

- 53430 - 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. City Engineer Wicke 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.

- 53431 - It was moved by Kruse and seconded by Miller that Resolution #22,474, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2021 CDBG Sidewalk Infill 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 #22,474 duly passed and adopted.

- 53432 - Mayor announced that in accordance with the public notice of July 23, 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 Seal Coat Project. 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.

- 53433 - 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.
- 53434 - It was moved by Kruse and seconded by Darrah that Resolution #22,475, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2021 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, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,475 duly passed and adopted.
- 53435 - Mayor announced that in accordance with the public notice of July 23, 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 Patching Project. It was then moved by Kruse and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53436 - 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.
- 53437 - It was moved by Kruse and seconded by Miller that Resolution #22,476, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2021 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,476 duly passed and adopted.
- 53438 - It was moved by Kruse and seconded by Harding that Ordinance #2992, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to the speed limit on certain portions of Viking Road, 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance

#2992 duly passed and adopted.

- 53439 - It was moved by Kruse and seconded by Darrah that the rules requiring Ordinance #2993 be considered at three separate meetings, be suspended. 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.

It was then moved by Darrah and seconded by deBuhr that Ordinance #2993, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to parking restrictions in municipal parking lots, 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 #2993 duly passed and adopted.

- 53440- It was moved by Kruse and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

Receive and file the resignation of Craig Schwerdtfeger as a member of the Community Center & Senior Services Board.

Receive and file the Work Session minutes of July 19, 2021 relative to the following items:

- a) Northern Cedar Falls Drainage.
- b) Human Rights Commission-Joint Meeting.

Receive and file the Departmental Monthly Reports of June, 2021.

Approve the following applications for beer permits and liquor licenses:

- a) Smokin Oak Wood Fired Pizza, 1525 West Ridgeway Avenue, Class B beer – renewal.
- b) Vintage Iron, 104 Main Street, Class B wine – renewal.
- c) Kwik Star, 4515 Coneflower Parkway, Class C beer & Class B wine - renewal.
- d) The Black Hawk Hotel/Bar Winslow/Carter House Market & Cafe, 115-119 Main Street, Class B liquor, Class B wine & outdoor service - renewal.
- e) Octopus, 2205 College Street, Class C liquor & outdoor service - renewal.
- f) Texas Roadhouse, 5715 University Avenue, Class C liquor - renewal.
- g) Panther Travel Center, 1525 West Ridgeway Avenue, Class E liquor – renewal.
- h) Fast Track Racing, 100 Block of Clay Street, Class B beer & outdoor service - 5-day permit.

Motion carried unanimously.

- 53441 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,477, approving and authorizing execution of a Professional Service Agreement with Carlson Dettmann Consulting for administration of civil service testing.

Resolution #22,478, approving and authorizing submission of an application for American Rescue Plan (ARP) funding to the National Endowment for the Arts for marketing, artist fees & equipment, and collection registration for the Hearst Center of the Arts.

Resolution #22,479, in support of a grant application to the Otto Schoitz Foundation for the Cedar River Recreation Project.

Resolution #22,480, in support of a Resource Enhancement and Protection (REAP) grant application to the Iowa Department of Natural Resources for the Cedar River Recreation Project.

Resolution #22,481, approving and authorizing an Amendment to an Entitlement Community Development Block Grant COVID-19 Program Contract with the Iowa Economic Development Authority relative to Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,482, approving and accepting two Temporary Easements for construction, in conjunction with the FFY20-21 CDBG Sidewalk Infill Project.

Resolution #22,483, approving and authorizing execution of a Community Housing Development Organization (CHDO) Subrecipient Agreement with Iowa Heartland Habitat for Humanity for the use of FY2021 federal HOME funds relative to the acquisition and rehabilitation of 913 Bluff Street.

Resolution #22,484, receiving and filing the bids, and approving and accepting the low bid of Cobalt Contracting, L.C., in the amount of \$157,876.17 for the 2021 Public Sidewalk Repair and Infill Project.

Resolution #22,485, receiving and filing the bids, and approving and accepting the low bid of Cobalt Contracting, L.C., in the amount of \$57,766.37 for the 2021 Sidewalk Assessment Project – Zone 4.

Resolution #22,486, receiving and filing the bids, and approving and accepting the low bid of Benton's Sand and Gravel, Inc., in the amount of \$102,915.60 for the 2021 Permeable Alley 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 #22,477 through #22,486 duly passed and adopted.

53442 - It was moved by Harding and seconded by deBuhr that a resolution rescinding Resolution #22,201, being a resolution approving and adopting public meeting protocols during the COVID-19 pandemic, be adopted. City Attorney Rogers provided an explanation of the proposed resolution. Following questions and

comments by Councilmembers Kruse, Harding and Dunn, and responses by Attorney Rogers, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Sires. Nay: Miller, Kruse, Harding, Darrah, Dunn. Motion failed.

53443 - It was moved by Harding and seconded by Miller that the bills and claims of August 2, 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.

53444 - It was moved by Harding and seconded by Darrah to refer to the Committee of the Whole the feasibility of adding a full-time Human Rights position on staff. Following questions and comments by Councilmembers Sires, Harding, deBuhr, Darrah, Kruse and Miller, and response by City Attorney Rogers, the motion carried 6-1, with deBuhr voting Nay.

It was then moved by Kruse and seconded by Harding that city staff develop guidelines for ending public participation in public meetings by electronic means. Motion carried unanimously.

53445 - City Administrator Gaines announced that updated policies may be coming out due to rising COVID-19 numbers.

53446 - It was moved by Kruse and seconded by Harding to adjourn to Executive Session to discuss Legal Matters per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation; and Property Acquisition per Iowa Code Section 21.5(1)(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. 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 7:42 P.M.

Mayor Green reconvened the Council meeting at 8:43 P.M.

53447 - It was moved by Darrah and seconded by Harding that the meeting be adjourned at 8:44 P.M. Motion carried unanimously.