

**CITY HALL
CEDAR FALLS, IOWA, FEBRUARY 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 7:00 P.M. on the above date. Members present: Miller, deBuhr, Kruse (via video conference), Harding, Darrah, Sires, Dunn. Absent: None.

53201 - It was moved by Harding and seconded by Kruse that the minutes of the Regular Meeting of February 1, 2021 be approved as presented and ordered of record. Motion carried unanimously.

53202 - Jay Stoddard, 228 Maryhill Drive, highlighted projects within the community that the Sturgis Falls Celebration has contributed funding towards.

Rick Sharp, 1623 Birch Street, expressed appreciation for the Council's explanation of a prior Council vote and for staff's response to a Freedom of Information (FOIA) record request, and requested inclusion of payroll in the Council packets.

Mayor Green responded to a comment by Jim Skaine, 2215 Clay Street, regarding Robert's Rules of Order, the term "germane" and items on the consent calendar. Mr. Skaine also commented that he likes public forum at the beginning of the agenda and then commented on the Capital Improvement Program portion of the proposed budget.

T.J. Frein, 1319 Austin Way, noted incorrect dates on the "no parking" signs posted for snow removal.

53203 - Mayor announced that in accordance with the public notice of February 3, 2021, this was the time and place for a public hearing on the proposed FY2022 Budget for the City of Cedar Falls. 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.

53204 - The Mayor then asked if there were any written communications filed to the proposed budget. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Finance & Business Operations Director Rodenbeck provided a brief summary of the proposed budget and responded to a comment by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed budget, the Mayor declared the hearing closed and passed to the next order of business.

53205 - It was moved by Harding and seconded by Miller that Resolution #22,255, approving and adopting the FY2022 Budget for the City of Cedar Falls, be adopted. Following a comment by Councilmember Sires, the Mayor put the question on the motion and upon call of the roll, the following named

Councilmembers voted. Aye: Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,255 duly passed and adopted.

- 53206 - Mayor announced that in accordance with the public notice of February 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 Sanitary Sewer Rehabilitation 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.
- 53207 - 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 proposed project, the Mayor declared the hearing closed and passed to the next order of business.
- 53208 - It was moved by Harding and seconded by Miller that Resolution #22,256, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2021 Sanitary Sewer Rehabilitation 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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,256 duly passed and adopted.
- 53209 - Mayor announced that in accordance with the public notice of February 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 Downtown Streetscape and Reconstruction Project - Phase II. It was then moved by Darrah and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53210 - 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. There being no one else present wishing to speak about the proposed project, the Mayor declared the hearing closed and passed to the next order of business.
- 53211 - It was moved by Miller and seconded by Harding that Resolution #22,257, approving and adopting the plans, specifications, form of contract & estimate of cost for the Downtown Streetscape and Reconstruction Project - Phase II, 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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,257 duly passed and adopted.

- 53212 - It was moved by Harding and seconded by Kruse that Ordinance #2984, amending Chapter 6, Animals, of the Code of Ordinances relative to permitting poultry in residential areas, 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: Dunn, Miller, Kruse, Harding, Darrah. Nay: deBuhr, Sires. Motion carried.
- 53213 - It was moved by Miller and seconded by Kruse that Ordinance #2985, amending Chapter 6, Animals, of the Code of Ordinances relative to establishing regulations for rear yard poultry in residential areas, 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: Dunn, Miller, Kruse, Harding, Darrah. Nay: deBuhr, Sires. Motion carried.
- 53214 - It was moved by Harding and seconded by Kruse that Ordinance #2983, amending Chapter 15, Nuisances, of the Code of Ordinances relative to keeping poultry in residential areas, be passed upon its second consideration. Following a question by Councilmember Darrah and response by Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Miller, Kruse, Harding, Darrah. Nay: deBuhr, Sires. Motion carried.
- 53215- It was moved by Harding and seconded by Miller that Ordinance #2986, amending Chapter 2, Administration, of the Code of Ordinances relative to Applicability of Robert's Rules of Order, be passed upon its second consideration. It was then moved by Kruse and seconded by Darrah that the rules requiring this ordinance to 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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried.
- It was then moved by Darrah and seconded by Kruse that that Ordinance #2986, amending Chapter 2, Administration, of the Code of Ordinances relative to Applicability of Robert's Rules of Order, 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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Ordinance #2986 duly passed and adopted.
- 53216 - It was moved by Darrah and seconded by Harding that Resolution #22,258, approving and adopting the FY2022 City Council Goals, Work Program, and Short-Term Financial Plan, 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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,258 duly passed and adopted.

- 53217 - 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 the following resignations of members from Boards and Commissions:

- a) Nicole Winther, Human Rights Commission.
- b) Evan Renfro, Human Rights Commission.

Approve the following applications for beer permits and liquor licenses:

- a) Asian Fusion Vietnamese and Thai Cuisine, 5725 University Avenue, Special Class C liquor - renewal.
- b) College Square Cinema, 6301 University Avenue, Special Class C liquor - renewal.
- c) Panther Lounge, 210 East 18th Street, Class C liquor - renewal.
- d) Sakura Japanese Steakhouse & Sushi Bar, 5719 University Avenue, Class C liquor - renewal.

Motion carried unanimously.

- 53218 - It was moved by deBuhr and seconded by Miller to receive and file the Committee of the Whole minutes of February 1, 2021, relative to the Main Street Traffic Study. Following a question by Rick Sharp, 1623 Birch Street, and response by Mayor Green, the motion carried unanimously.

- 53219 - It was moved by Harding and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #22,259, approving and authorizing submission of the Iowa Certified Local Government (CLG) 2020 Annual Report of the Historic Preservation Commission to the State Historical Society of Iowa.

Resolution #22,260, approving and authorizing execution of a Plan Change Amendment with iSolved Benefit Services to incorporate Consolidated Appropriations Act (CAA) allowances into the City's Cafeteria Benefits Plan Document.

Resolution #22,261, approving and authorizing execution of a 28E Agreement for Alcohol Enforcement with the Iowa Alcoholic Beverages Division.

Resolution #22,262, approving and authorizing execution of a Service Agreement with Benchmark Solutions LLC, dba Benchmark Analytics LLC, for police training management software.

Resolution #22,263, approving the final plat of The Arbors Fourth Addition.

Resolution #22,264, approving and authorizing the expenditure of funds for the purchase of a tandem axle dump truck.

Resolution #22,265, approving and authorizing execution of a Third Amendment

to Storm Water Maintenance and Repair Agreement and Permanent Easement and a Storm Water Maintenance and Repair Agreement with Midwest Development Co. relative to a post-construction stormwater management plan for The Arbors Fourth Addition.

Resolution #22,266, approving and accepting completion of public improvements in The Arbors Fourth Addition.

Resolution #22,267, approving and authorizing execution of a License Agreement with MidAmerican Energy Company relative to installing an electrical distribution system within the Cedar Heights Drive and Katoski Drive right-of-way.

Resolution #22,268, setting March 1, 2021 as the date of public hearing on a proposed lease agreement with the Cedar Falls Municipal Band relative to the Overman Park Band Shell.

Resolution #22,269, setting March 1, 2021 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to adaptive re-use of institutional buildings.

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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolutions #22,259 through #22,269 duly passed and adopted.

53220 - It was moved by Harding and seconded by deBuhr that Resolution #22,270, approving and authorizing execution of an Engagement Letter for Retained Exclusive Search Services with The Overture Group, LLC to perform recruitment services relative to the position of Principal Engineer, be adopted. Following a question by Councilmember Dunn and response by City Administrator Gaines, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,270 duly passed and adopted.

53221 - It was moved by Darrah and seconded by Miller that a resolution approving and authorizing execution of a Sturgis Falls Celebration Agreement for Use of City Parks and Services with Sturgis Falls Celebration, Inc.; and approving Public Event Permits for Live-to-9 and Cedar Basin Music Festival, be adopted. Following a comment by Councilmember deBuhr, it was moved by deBuhr and seconded by Sires to divide the question into three components. Following questions and comments by Councilmembers Harding, Sires and Kruse, and response by City Administrator Gaines, the motion to divide the question carried 6-1, with Darrah voting Nay.

It was then moved by Darrah and seconded by deBuhr to approve and authorize execution of the Sturgis Falls Celebration Agreement. Following comments by Councilmember Kruse, it was moved by Kruse and seconded by Sires to amend the motion to include eight points of an affiliate participation agreement within

item Q of the Sturgis Falls Celebration agreement. Following questions and comments by Councilmembers Harding, Kruse and Sires, responses by Public Works Director Schrage and City Attorney Rogers, and comments by Rick Sharp, 1623 Birch Street, Mayor Green called the motion out of order. Following comments by Kyle Henderson, 1008 Erik Road, Councilmember Kruse, Mayor Green and City Attorney Rogers, it was moved by Miller and seconded by Sires to postpone consideration of the Sturgis Falls Celebration Agreement until the March 1, 2021 City Council meeting. Motion carried, 5-2 with Darrah and Harding voting Nay.

It was then moved by Darrah and seconded by Harding to approve a Public Event permit for Live to 9. It was then moved by deBuhr and seconded by Sires to postpone consideration until the March 1, 2021 City Council meeting. Following comments by Councilmembers Darrah, deBuhr, Sires and Kruse, and T.J. Frein, 1319 Austin Way, the motion to postpone carried unanimously.

It was then moved by deBuhr and seconded by Sires to postpone consideration of a Public Event permit for Cedar Basin Music Festival until the March 1, 2021 City Council meeting. Following comments by Kyle Henderson, 1008 Erik Road, the motion to postpone carried 4-3, with Dunn, Darrah and Harding voting Nay.

53222 - It was moved by Kruse and seconded by Miller that the bills and claims of February 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: Dunn, Miller, deBuhr, Kruse, Harding, Darrah, Sires. Nay: None. Motion carried.

53223 - It was moved by Harding and seconded by Kruse to refer to the Committee of the Whole to have staff present information pertaining to the following options: a) streamlining or simplifying the process of expanding outdoor seating for local businesses, b) the possibilities pertaining to the temporary suspension of city codes where appropriate, c) other creative viable options that would help local business expand outdoor seating for the spring and summer seasons. Motion carried unanimously.

It was then moved by Harding and seconded by Darrah to refer to the Committee of the Whole an update/review of the poultry ordinances in approximately one year following implementation. Following a comment by Councilmember Kruse, the motion carried unanimously.

It was then moved by Kruse and seconded by Harding to refer to the Committee of the Whole a comprehensive comparison of the complete streets policies of 2009 and 2013. Following questions and comments by Councilmembers Darrah, Kruse, Miller and Sires, the motion carried 5-2, with Darrah and Miller voting Nay.

53224 Councilmember Harding suggested a social media campaign as an outreach effort to inform the public of snow removal ordinances.

Councilmember Sires thanked the 6th and 7th graders at Blessed Maria Assunta Pallotta Middle School in Waterloo for inviting him to speak about the Constitution.

Councilmember Dunn requested an update on snow removal efforts.

- 53225 - Public Works Director Schrage commented on snow removal efforts and provided information about the snow emergency in effect in the Downtown and College Hill areas from Tuesday night until Wednesday morning to allow for snow removal in those areas.

Operations and Maintenance Division Manager Heath explained the City's snow removal process, including clearing intersections for sight issues, and provided clarification on trail clearing. Councilmembers Dunn, Kruse and Harding, and Mayor Green thanked staff for their efforts.

Community Development Director Sheetz commented on residential sidewalk clearing requirements and stated that 48 hours is considered to be a reasonable amount of time. Ms. Sheetz responded to a question by Councilmember Miller regarding landlord accountability and assessment of points.

Library Director Stern stated that the library opened to the public today with limited browsing hours.

Mayor Green recognized City Administrator Ron Gaines for his 15 years of service with the City.

- 53226 - It was moved by Miller and seconded by Harding that the meeting be adjourned at 8:52 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk