

**CITY HALL
CEDAR FALLS, IOWA, OCTOBER 4, 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 7:20 P.M. on the above date. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Absent: None.

53486 - It was moved by Kruse and seconded by Darrah that the minutes of the Regular Meeting of September 20, 2021 be approved as presented and ordered of record. Motion carried unanimously.

53487 - Mayor Green read a Proclamation recognizing October 11, 2021 as Indigenous Peoples Day and presented a video with Cultural Programs Supervisor Skeens.

Mayor Green read a Proclamation recognizing October 2021 as Breast Cancer Awareness Month. Police Chief Berte provided a brief summary of the Pink Patch Project fundraiser benefitting the Beyond Pink Team.

53488 - Roger White, 2303 Greenwood Avenue, provided positive feedback on the current Public Safety model. Mr. White also provided information on a Cedar Valley Cyclist fundraiser for the Beyond Pink Team which will be held on October 6, 2021.

Eashaan Vajpeyi, 3831 Convair Lane, expressed concerns with proposed downtown parking and with setting October 18, 2021, as the date of the second consideration of the downtown zoning code.

Dustin Ganfield, 726 Maucker Road, expressed concerns with moving up the second consideration of the downtown zoning code to the October 18, 2021 meeting.

Jim Benda, 1816 Valley High Drive, expressed concerns with downtown parking.

53489 - Mayor announced that in accordance with the public notice of September 24, 2021, this was the time and place for a public hearing on a proposed amendment to the Future Land Use Map by changing the designation from Office & Business Park to Medium Density Residential, and on the proposed rezoning from C-1, Commercial District to R-P, Planned Residence District of property located in the vicinity of Cedar Heights Drive and Valley High Drive. 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.

53490 - The Mayor then asked if there were any written communications filed to the proposed amendment and rezoning. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planner I Sevy provided a brief summary of the proposed amendment and rezoning.

There being no one else present wishing to speak about the amendment and rezoning, the Mayor declared the hearing closed and passed to the next order of business.

- 53491 - It was moved by Darrah and seconded by Harding that Resolution #22,530, approving an amendment to the Future Land Use Map by changing the designation from Office & Business Park to Medium Density Residential of property located west of Cedar Heights Drive and north of Greenhill Road, be adopted. Following questions and comments by Councilmembers Kruse and deBuhr, and responses by Planner I Sevy, 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 #22,530 duly passed and adopted.
- 53492 - It was moved by Miller and seconded by Harding that Ordinance #2996, amending Section 26-118 of the Code of Ordinances by removing certain property located in the vicinity of Cedar Heights Drive and Valley High Drive from the C-1, Commercial District, and placing the same in the R-P, Planned Residence District, be passed upon its first 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.
- 53493 - It was moved by Harding and seconded by Darrah that Resolution #22,531, approving and authorizing execution of an R-P, Planned Residential Zoning District Developmental Procedures Agreement with LG Companies, LLC and Heartland Development of Cedar Valley, Inc., and approving an R-P District site plan relative to a residential condominium development., 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 #22,531 duly passed and adopted.
- 53494 - It was moved by Harding and seconded by Miller 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 third and final consideration. Planning & Community Services Manager Howard provided a brief explanation regarding the delay of the final consideration. Following questions by Councilmember Harding and responses by Planning & Community Services Manager Howard, 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 #2989 duly passed and adopted.
- 53495 - It was moved by deBuhr and seconded by Miller that Resolution #22,532, approving and authorizing execution of a Second Amended and Restated Mixed Use Zoning District Developmental Procedures Agreement with Oster Partners,

L.P. and Greenhill Estates, Inc., and approving the updated Pinnacle Prairie Master 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,532 duly passed and adopted.

- 53496 - It was moved by Harding and seconded by deBuhr that the following items on the Consent Calendar be received, filed and approved:

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

a) Cathy Showalter, Civil Service Commission, term ending 04/07/2025.

Receive and file the Committee of the Whole minutes of September 20, 2021 relative to the following items:

- a) Cedar Falls Economic Development Corp.
- b) Political Campaigning on City Property.
- c) Wastewater Facility Project and ARPA Funds.

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

Approve the following Order Accepting Acknowledgment/Settlement Agreement:
a) Casey's General Store, 601 Main Street, First tobacco violation.

Approve the following applications for beer permits and liquor licenses:

- a) Metro Mart, 103 Franklin Street, Class C beer - renewal.
- b) Murphy USA, 518 Brandilynn Boulevard, Class C beer - renewal.
- c) The Landmark, 107 Main Street, Class C liquor & outdoor service - renewal.
- d) Casey's General Store, 601 Main Street, Class E liquor - renewal.
- e) Fareway Store, 214 North Magnolia Drive, Class E liquor - renewal.

Motion carried unanimously.

- 53497 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,533, levying a final assessment for costs incurred by the City to remove a hazardous tree on the property located at 1305 W 19th Street.

Resolution #22,534, levying a final assessment for costs incurred by the City to mow the property located at 2012 Vine Street.

Resolution #22,535, levying a final assessment for costs incurred by the City to remove a hazardous tree on the property located at 2404 Royal Drive.

Resolution #22,536, approving and authorizing execution of an Agreement with Berry, Dunn, McNeil & Parker, LLC for professional services relative to the selection process for replacement of the City's financial software.

Resolution #22,537, approving and authorizing execution of a contract for

renewal of the CLEAR for Law Enforcement Plus subscription with West Publishing Corporation relative to investigations and background checks conducted by the Public Safety Services Department.

Resolution #22,538, receiving and filing the bids, and approving and accepting the low bid of Boulder Contracting, LLC, in the amount of \$161,197.60, for the 2021 Street Patching Project.

Resolution #22,539, approving and authorizing execution of an Acknowledgement and Reimbursement Agreement with the Iowa Economic Development Authority (IEDA) for the Certified Site Program relative to expansion of the Cedar Falls Industrial Park.

Resolution #22,540, approving and authorizing a Change Order to the Rehabilitation Contract with Tojo Construction Inc. relative to a HOME Housing Rehabilitation Project at 2512 Cedar Heights Drive.

Resolution #22,541, approving and adopting the Housing Rehabilitation Program for Rental Rehabilitation Projects, in conjunction with the FY19-23 Community Development Block Grant (CDBG) and HOME Consortium 5-Year Plan.

Resolution #22,542, approving the Boe Minor Subdivision Plat.

Resolution #22,543, setting October 18, 2021 as the date of public hearing on the proposed rezoning from R-1, Residence District and C-2, Commercial District to C-2, Commercial District of property located at 5424 University Avenue.

Resolution #22,544, setting October 18, 2021 as the date of public hearing on the proposed adoption by reference the 2021 International Building Code, 2021 International Residential Code, 2021 International Mechanical Code, 2021 Uniform Plumbing Code, 2021 National Fuel Gas Code and 2020 National Electrical Code, and associated revisions to Chapter 7, Buildings and Building Regulations of the Code of Ordinances.

Resolution #22,545, setting October 18, 2021 as the date of public hearing on the proposed adoption by reference the 2021 International Fire Code, and associated revisions to Chapter 9, Fire Prevention and Protection of the Code of Ordinances.

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 #22,533 through #22,545 duly passed and adopted.

53498 - It was moved by Miller and seconded by deBuhr that Resolution #22,546, approving and authorizing execution of an Agreement to Enhance Economic Development in Cedar Falls with the Cedar Falls Economic Development Corporation be adopted. Following questions by Councilmembers Sires, Miller and Kruse, and responses by Economic Development Coordinator Graham, Mayor Green and Cedar Falls Economic Development Corporation

Representative Jim Brown, 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, Dunn. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,546 duly passed and adopted.

- 53499 - It was moved by Darrah and seconded by Miller that Resolution #22,547, approving and authorizing submission of a grant agreement to the Iowa Homeland Security and Emergency Management Division (HSEMD) for the Voluntary Property Acquisition Program funded through the Hazard Mitigation Grant Program, and authorizing the local match relative to the Northern Cedar Falls Buyout Program, be adopted. Following a question by T.J. Frein, 1319 Austin Way, and response by Planning & Community Services Manager Howard, 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. Nay: None. Abstain: Miller. Motion carried. The Mayor then declared Resolution #22,547 duly passed and adopted.
- 53500 - It was moved by Miller and seconded by Harding that Resolution #22,548, receiving and filing, and setting October 18, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the City Hall Remodel Project, be adopted. Following comments and questions by Councilmembers Sires, Kruse, deBuhr and Harding, and responses by City Administrator Gaines, Mayor Green and City Attorney Rogers, 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, Dunn. Nay: Sires. Motion carried. The Mayor then declared Resolution #22,548 duly passed and adopted.
- 53501 - It was moved by Kruse and seconded by Harding that the bills and claims of October 4, 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.
- 53502 - City Attorney Rogers responded to a question by Councilmember Miller regarding the use of Public Forum for political purposes.
- 53503 - Mayor Green announced October 30, 2021, as the tentative date for a watch party to view the launch of the SpaceX mission.
- 53504 - It was moved by Kruse and seconded by Miller that the meeting be adjourned at 8:22 P.M. Motion carried unanimously.

Kim Kerr, Administrative Supervisor