

**CITY HALL  
CEDAR FALLS, IOWA, NOVEMBER 1, 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, Harding, Darrah, Sires, Dunn. Absent: None.

53529 - It was moved by Kruse and seconded by deBuhr that the minutes of the Regular Meeting of October 18, 2021 be approved as presented and ordered of record. Motion carried unanimously.

53530 - Mayor Green read the following proclamations:

Proclamation recognizing November 11, 2021 as Veterans Day and Home Base Iowa Day.

Proclamation recognizing November 2021 as Cedar Valley United Way Month.

Proclamation recognizing November 2021 as Hospice and Palliative Care Month.

53531- Rosemary Beach, 5018 Sage Road, expressed concerns with recent PAC mailers for the local election.

Public Works Director Schrage and Public Safety Director Olson responded to concerns expressed by Karla Lower, 1611 Hawthorne Drive, regarding accidents and response times at the intersection of Hawthorne Drive and Victory Drive and her request for speed control devices.

James Kerns, 3123 Cottonwood Lane, commented on the use of fear and misinformation to avert what have been good decisions, such as The Falls Aquatic Center, roundabouts and public safety officers. Mr. Kerns also encouraged support of Raja Chari and the space launch.

Eashaan Vajpeyi, 3831 Convair Lane, commented on the downtown zoning process.

53532 - It was moved by Miller and seconded by Darrah that Ordinance #2994, amending Chapter 26, Zoning, and other associated sections of the Code of Ordinances, relative to establishing the CD-DT, Downtown Character District, be passed upon its third and final consideration. Following questions and comments by Councilmembers deBuhr, Harding, Darrah, Kruse, and Miller, comments by Eashaan Vajpeyi, 3831 Convair Lane, and Lisa Sevcik, 1421 Clay Street, and responses by City Attorney Rogers, Mayor Green and 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, Harding, Darrah, Dunn. Nay: deBuhr, Kruse, Sires. Motion carried. The Mayor then declared Ordinance #2994 duly passed and adopted.

- 53533 - It was moved by Miller and seconded by Harding that Ordinance #2995, amending Section 26-118 of the Code of Ordinances, by removing all property within the defined boundaries of the Downtown Character District from current zoning districts and placing the same in the CD-DT, Downtown Character District Zoning District, 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, Harding, Darrah, Dunn. Nay: deBuhr, Kruse, Sires. Motion carried. The Mayor then declared Ordinance #2995 duly passed and adopted.
- 53534 - It was moved by Darrah 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 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 #2996 duly passed and adopted.
- 53535 - It was moved by Miller and seconded by Harding that Ordinance #2997, adopting 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, 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.
- 53536 - It was moved by Darrah and seconded by Miller that Ordinance #2998, adopting by reference the 2021 International Fire Code, and associated revisions to Chapter 9, Fire Prevention and Protection of the Code of Ordinances, 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.
- 53537- It was moved by Harding and seconded by Miller that Ordinance #2999, amending Section 26-118 of the Code of Ordinances by removing certain property located at 5424 University Avenue from the R-1, Residence District and C-2, Commercial District, and placing the same in the C-2, Commercial District, be passed upon its second consideration. It was then moved by Harding and seconded by Miller that the rules requiring this ordinance to be considered at three separate meetings, be suspended. Following a question and comment by Councilmembers Miller and Sires, 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: Miller, deBuhr,

Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried.

It was then moved by Harding and seconded by Miller that that Ordinance #2999, amending Section 26-118 of the Code of Ordinances by removing certain property located at 5424 University Avenue from the R-1, Residence District and C-2, Commercial District, and placing the same in the C-2, Commercial District, 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 #2999 duly passed and adopted.

53538 - It was moved by Kruse and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

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

- a) Dr. Oksana Grybovych Hafermann, Planning & Zoning Commission, term ending 11/01/2022.
- b) Dr. Kristin Moser, Planning & Zoning Commission, term ending 11/01/2026.
- c) Hannah Peterson, Planning & Zoning Commission, term ending 11/01/2026.
- d) LeaAnn Saul, Planning & Zoning Commission, term ending 11/01/2026.

Receive and file the Committee of the Whole minutes of October 18, 2021 relative to the following items:

- a) Racial Equity Task Force Presentation.
- b) Downtown Public Parking.
- c) Planning & Zoning Commission Interviews.

Receive and file the Report and Recommendations of the Racial Equity Task Force.

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

Receive and file the FY21 Street Financial Report (SFR) for the City.

Receive and file the Bi-Annual Report of College Hill Partnership relative to FY22 Self-Supported Municipal Improvement District (SSMID) funds and an FY22 Economic Development Grant.

Receive and file the Bi-Annual Report of Community Main Street relative to FY22 Self-Supported Municipal Improvement District (SSMID) funds and an FY22 Economic Development Grant.

Approve the following applications for beer permits and liquor licenses:

- a) Lark Brewing, 6301 University Avenue, Class C liquor, Special Class A beer & outdoor service – renewal.
- b) Tony's La Pizzeria, 407 Main Street, Class C liquor & outdoor service - renewal.
- c) Urban Pie, 200 State Street, Class C liquor & outdoor service - renewal

Motion carried unanimously.

Councilmember deBuhr recognized Carson Wirtz for his Eagle Scout project and thanked him for his donation of excess funds to Community Main Street.

53539 - It was moved by Miller and seconded by Kruse that the following resolutions be introduced and adopted:

Resolution #22,558, levying a final assessment for costs incurred by the City to mow property located at 8702 University Avenue.

Resolution #22,559, approving and authorizing execution of a contract with the Governor's Traffic Safety Bureau (GTSB) relative to funding for traffic enforcement and training.

Resolution #22,560, approving and authorizing execution of a 28E Agreement for Tobacco, Alternative Nicotine and Vapor Product Enforcement with the Iowa Alcoholic Beverages Division.

Resolution #22,561, approving and adopting a Recreation Fee Schedule to become effective December 1, 2021.

Resolution #22,562, approving and authorizing execution of a Second Amendment to Operating Agreement for Pheasant Ridge/Walters Golf Courses and Pro Shop with John J. Bermel.

Resolution #22,563, approving a Mixed Use (MU) Residential Zoning District site plan for a car wash to be located at 1125 Fountains Way.

Resolution #22,564, approving and authorizing execution of a First Amendment to the Subrecipient Agreement for Federally Funded Project with Eastside Ministerial Alliance, Inc. for Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,565, approving and accepting the contract and bond of Boulder Contracting, LLC for the 2021 Street Patching Project.

Resolution #22,566, approving the Certificate of Completion and accepting the work of Benton's Sand & Gravel, Inc. for the 2020 Permeable Alley Project; and approving and authorizing the transfer of funds from the Street Construction Fund to the 2018 Storm Water Bond Fund relative to completion of the project.

Resolution #22,567, approving and authorizing execution of Supplemental Agreement No. 4A to the Professional Service Agreement with Snyder & Associates, Inc. relative to the West Viking Industrial Park Expansion - Phase 1.

Resolution #22,568, approving and authorizing execution of Supplemental Agreement No. 1 to the Professional Service Agreement with AECOM Technical Services, Inc. relative to 2021 survey services.

Resolution #22,569, approving and authorizing execution of Supplemental

Agreement No. 1 to the Professional Service Agreement with AECOM Technical Services, Inc. relative to the West 27th Street Reconstruction Project.

Resolution #22,570, setting November 15, 2021 as the date of public hearing on the City's FFY20 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Programs.

Resolution #22,571, setting November 15, 2021 as the date of public hearing on a proposed ordinance granting a partial property tax exemption for The Vault, LLC for construction of a storage/office facility at 6100 Production Drive.

Resolution #22,572, receiving and filing, and setting November 15, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Greenhill Road & South Main Street Intersection Improvement Project.

Resolution #22,573, setting November 15, 2021 as the date of hearing on the proposed condemnation of property located at 315 East Dunkerton Road.

Resolution #22,574, setting November 15, 2021 as the date of hearing on the proposed condemnation of property located at 1227 West 22nd Street.

Resolution #22,575, setting November 15, 2021 as the date of hearing on the proposed condemnation of property located at 710 West 13th Street.

Resolution #22,576, setting November 15, 2021 as the date of hearing on the proposed condemnation of property located at 1303 Walnut 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 #22,558 through #22,576 duly passed and adopted.

53540 - It was moved by Darrah and seconded by deBuhr that Resolution #22,577, approving and adopting an Administrative Plan for Voluntary Property Acquisition funded under the Hazard Mitigation Grant Program, be adopted. Following due consideration by the Council, the Mayor then 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 #22,577 duly passed and adopted.

53541 - It was moved by Miller and seconded by Darrah that Resolution #22,578, receiving and filing, and rejecting all bids received for the Recreational River Area and Riverbank Improvements Project, be adopted. Following a comment by Councilmember Miller and 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 #22,578 duly passed and adopted.

53542- It was moved by Kruse and seconded by Darrah that the bills and claims of November 1, 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.

53543 - It was moved by Kruse and seconded by Miller to refer to the Committee of the Whole prior to Goal Setting, a discussion on building, maintaining and financing a parking ramp. Following comments and questions by Miller, Kruse, Darrah and Harding, and responses by Mayor Green, City Attorney Rogers and City Administrator Gaines, Councilmember Kruse withdrew the motion.

It was then moved by Kruse and seconded by Harding to record goal setting sessions with the potential to broadcast them as well. Following questions and comments by Councilmembers deBuhr, Dunn, Sires and Kruse, and Mayor Green, it was moved by deBuhr and seconded by Harding to amend the motion to record goal setting sessions in the same manner as executive sessions. Following comments by Councilmember Harding, the motion carried 4-3, with Miller, Sires and Dunn voting Nay. The Mayor then put the question on the original motion as amended. Motion carried 5-2, with Miller and Dunn voting Nay.

53544 - Mayor Green announced the rescheduling of the space shuttle launch viewing to Saturday, November 6<sup>th</sup> at 11:30 PM, and encouraged citizens to vote on Tuesday.

53545 - It was moved by Kruse and seconded by deBuhr to adjourn to Executive Session to discuss Collective Bargaining per Iowa Code Section 20.17(3) as negotiating sessions, strategy meetings of public employers, mediation, and the deliberative process of arbitrators; and 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. 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 8:32 P.M.

Mayor Green reconvened the Council meeting at 9:08 P.M.

53546 - It was moved by Darrah and seconded by Harding that the meeting be adjourned at 9:09 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk