

**CITY HALL
CEDAR FALLS, IOWA, JANUARY 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 7:12 P.M. on the above date. The Mayor opened the meeting and announced that the meeting was being conducted electronically in conformance with the Governor's Proclamation of Disaster Emergency to limit the spread of COVID-19. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Absent: None.
- 53140 - It was moved by Darrah and seconded by Miller that the minutes of the Regular Meeting of December 21, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 53141 - Mayor Green read a proclamation recognizing the year 2021 as the Year of the Neighborhood.
- 53142 - Mayor announced that in accordance with the public notice of December 22, 2020, this was the time and place for a public hearing on the proposed FY2021-FY2026 Capital Improvements Program (CIP). It was then moved by Kruse and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53143 - The Mayor then asked if there were any written communications filed to the proposed Capital Improvements Program. 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 Capital Improvements Program. Following questions and comments by T.J. Frein, 1319 Austin Way, Rick Sharp, 1623 Birch Street, and Jim Skaine, 2215 Clay Street, and responses by Finance & Business Operations Director Rodenbeck, Public Works Director Schrage and Public Safety Services Director Olson, the Mayor declared the hearing closed and passed to the next order of business.
- 53144 - It was moved by Kruse and seconded by Miller that Resolution #22,217, approving and adopting the FY2021-FY2026 Capital Improvements Program (CIP), be adopted. Following questions and comments by Councilmembers Miller, Harding, Sires and Darrah, and responses by Public Safety Services Director Olson, Public Works Director Schrage and Finance & Business Operations Director Rodenbeck, 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 #22,217 duly passed and adopted.
- 53145 - It was moved by Kruse and seconded by Harding that Resolution #22,218, declaring an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in connection with

specified projects, be adopted. Following a question by Jim Skaine, 2215 Clay Street, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Sires, Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: None. Motion carried. The Mayor then declared Resolution #22,218 duly passed and adopted.

- 53146 - It was moved by Kruse and seconded by Harding that Ordinance #2977, amending Chapter 12, Human Relations, of the Code of Ordinances relative to the Human Rights Commission, be passed upon its third and final 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: Sires, Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: None. Motion carried. The Mayor then declared Ordinance #2977 duly passed and adopted.
- 53147 - It was moved by Kruse and seconded by Miller that Ordinance #2978, amending Chapter 23, Traffic and Motor Vehicles of the Code of Ordinances relative to the use of electric-assist bicycles on City recreational trails, be passed upon its third and final consideration. Following comments by Jim Skaine, 2215 Clay Street, T.J. Frein, 1319 Austin Way, and Councilmember Kruse, and responses by Mayor Green and 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, Harding, Darrah. Nay: Sires, deBuhr, Kruse. Motion carried. The Mayor then declared Ordinance #2978 duly passed and adopted.
- 53148 - It was moved by Kruse and seconded by Harding that Ordinance #2979, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking of commercial trucks and trailers on residential streets, 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: Sires, Dunn, Miller, Kruse, Harding, Darrah. Nay: deBuhr. Motion carried. The Mayor then declared Ordinance #2979 duly passed and adopted.
- 53149 - It was moved by Darrah and seconded by Kruse that Ordinance #2980, amending Chapter 20, Subdivisions of the Code of Ordinances relative to Final Plat Phasing, be passed upon its second consideration. Following a comment by Jim Skaine, 2215 Clay Street, and response by Community Development Director Sheetz, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Sires, Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: None. Motion carried.
- 53150 - It was moved by Miller and seconded by Harding that the following items and recommendations on the Consent Calendar be received, filed and approved:

Approve the following recommendations of the Mayor relative to the appointment of Councilmembers to Appeals Boards for 2021:

- a) Daryl Kruse, Board of Appeals, term ending 12/31/2021.
- b) Kelly Dunn, Board of Electrical Appeals, term ending 12/31/2021.
- c) Susan deBuhr, Board of Mechanical Appeals, term ending 12/31/2021.

d) Susan deBuhr, Board of Plumbing Appeals, term ending 12/31/2021.

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

- a) John Gadow, Board of Plumbing Appeals, term ending 12/31/2024.
- b) Nathan Gruber, Board of Plumbing Appeals, term ending 12/31/2023.
- c) Dave Krejchi, Board of Mechanical Appeals, term ending 12/31/2024.
- d) Tom Stickfort, Board of Electrical Appeals, term ending 12/31/2024.

Receive and file the Committee of the Whole minutes of December 21, 2020 relative to the following item:

- a) Capital Improvements Program (CIP) – Joint Meeting with Planning & Zoning Commission.

Receive and file Departmental Monthly Reports for November 2020.

Approve the following applications for beer permits and liquor licenses:

- a) Cedar Falls Family Restaurant, 2627 Center Street, Special Class C liquor - renewal.
- b) Sharky's Fun House, 2223 College Street, Class C liquor & outdoor service - renewal.

Motion carried unanimously.

- 53151 - It was moved by Harding and seconded by Darrah to receive and file the report of the Mayor relative to the appointment of Mayor Pro Tem for 2021. Following questions and comments by Councilmembers deBuhr, Miller and Darrah, and responses by City Attorney Rogers, City Administrator Gaines and Mayor Green, the motion carried 4-3, with Miller, deBuhr and Kruse voting Nay.
- 53152 - It was moved by Darrah and seconded by Miller to receive and file the report of the Mayor relative to the appointment of standing committees for 2021. Following questions and comments by Councilmembers Darrah and Kruse, and responses by Mayor Green, the motion carried 6-1, with deBuhr voting Nay.
- 53153 - It was moved by Miller and seconded by Harding to receive and file the Council Work Session minutes of December 21, 2020. Following questions and comments by Rick Sharp, 1623 Birch Street, Councilmembers Miller, deBuhr and Darrah, and responses by Mayor Green, the motion carried unanimously.
- 53154 - It was moved by Kruse and seconded by Darrah that the following resolutions be introduced and adopted:

Resolution #22,219, approving and adopting the rate of \$3.89 per \$1,000 taxable value for the Downtown Cedar Falls Self-Supported Municipal Improvement District (SSMID) for FY22.

Resolution #22,220, approving and authorizing execution of a Settlement Agreement and Release with James Lown Properties, LLC relative to the West 1st Street Reconstruction Project.

Resolution #22,221, approving and authorizing expenditure of funds for the purchase of a Microsoft Enterprise License relative to upgrading operating systems of the city's computer network servers.

Resolution #22,222, approving and authorizing execution of an Owner Purchase Agreement, and approving and accepting a Temporary Construction Easement, in conjunction with the Cedar Heights Drive Reconstruction Project.

Resolution #22, 223, approving and authorizing execution of an Owner Purchase Agreement, and approving and accepting a Permanent Sanitary Sewer Easement Agreement and Temporary Construction Easement, in conjunction with the Oak Park Sanitary Sewer Repair Project.

Resolution #22,224, approving the Carolan Minor Plat No. 1.

Resolution #22,225, setting January 19, 2021 as the date of public hearing on proposed funding distribution of the State's Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

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: Sires, Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: None. Motion carried. The Mayor then declared Resolutions #22,219 through #22,225 duly passed and adopted.

- 53155 - It was moved by Miller and seconded by deBuhr that a resolution approving and adopting amendments to Administrative Policy No. 7, City Council Meeting Procedures, be adopted. Following questions and comments by Rick Sharp, 1623 Birch Street, Penny Popp, 4805 South Main Street, and T.J. Frein, 1319 Austin Way, it was moved by Harding and seconded by Darrah to postpone consideration indefinitely. Following discussion, the motion by Harding was withdrawn. Following comments by Councilmembers Kruse and deBuhr, it was moved by Harding and seconded by Kruse to add an additional public forum at the beginning of meetings. Following questions and comments by Councilmembers deBuhr, Miller and Harding, the motion by Harding was withdrawn. Following comments by Councilmembers Miller and Kruse, the Mayor put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr. Nay: Sires, Dunn, Miller, Kruse, Harding, Darrah. Motion failed.
- 53156 - It was moved by Kruse and seconded by Darrah that the bills and payrolls of January 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: Sires, Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: None. Motion carried.
- 53157 - It was moved by Kruse and seconded by Darrah to refer to a City Council Work Session consideration of full-time vs. part-time Mayor. Following questions and comments by Councilmembers Kruse, Harding and Darrah, and responses by Mayor Green and City Attorney Rogers, it was moved by Darrah and seconded

by Harding to amend the original motion to include Mayor and City Administrator ordinances. Following a question by Councilmember Kruse and responses by Councilmembers Darrah and Harding and Mayor Green, the motion to amend carried 4-3, with Sires, Miller and deBuhr voting Nay. Following additional questions by Councilmembers Harding, Dunn, Kruse, Sires and Miller, and responses by Mayor Green and City Attorney Rogers, the original motion as amended was withdrawn by Kruse.

It was then moved by Kruse and seconded by Harding to refer to a Work Session the clarification of duties of full-time Mayor and City Administrator. The motion carried 6-1, with Sires voting Nay.

It was moved by Harding and seconded by Dunn to refer Administrative Policy #7 to a Council Work Session. Following comments by Councilmembers Harding and Kruse, the motion carried 6-1, with Miller voting Nay.

- 53158 - Mayor Green responded to a question by Councilmember deBuhr regarding consideration of Goal Setting documents.

City Administrator Gaines responded to a question by Councilmember Harding regarding an update on a chicken ordinance.

- 53159 - Public Works Director Schrage provided information about the snow emergency in effect in the Downtown and College Hill areas until Tuesday morning to allow for snow removal in those areas.

Mayor Green announced the date of the next City Council meeting as Tuesday, January 19, 2021 due to Martin Luther King Day.

- 53160 - Rick Sharp, 1623 Birch Street, requested that the City Council Goal Setting and work sessions be televised and recorded.

T.J. Frein, 1319 Austin Way, expressed concerns with comments made during the Administrative Policy #7 discussion, commented on ending the full-time vs. part-time Mayor discussions, and on the Council referral process.

City Attorney Rogers responded to concerns expressed by Jeremy Sulentic, 1008 Rocklyn Street, regarding the City Administrator not being an "at-will" position.

Jim Skaine, 2215 Clay Street, commented on this being a good meeting and expressed appreciation for Council working through the issues.

- 53161 - It was moved by Kruse and seconded by Darrah that the meeting be adjourned at 9:40 P.M. Motion carried unanimously.