

**CITY HALL  
CEDAR FALLS, IOWA, JUNE 15, 2020  
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 7:05 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, Kruse, Harding, Darrah, Sires, Taiber. Absent: deBuhr.

- 52854 - It was moved by Harding and seconded by Kruse that the minutes of the Regular Meeting of June 1, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 52855 - The Mayor then asked if there were any agenda revisions. City Clerk Danielsen announced that Executive Session would be considered prior to Public Forum.
- 52856 - It was moved by Darrah and seconded by Kruse to receive and file bids received for the sale of \$3,430,000 General Obligation Loan Notes, Series 2020. Following the bid presentation and brief explanation of an 'Aaa' rated community by Jon Burmeister with PFM Financial Advisors, LLC, the motion carried unanimously.
- 52857 - It was moved by Darrah and seconded by Miller that Resolution #21,986, directing the sale of \$3,430,000 General Obligation Loan Notes, Series 2020, be adopted. Following comments by Councilmember Miller, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,986 duly passed and adopted.
- 52858 - It was moved by Darrah and seconded by Miller that Ordinance #2967, vacating certain public right-of-way along Prairie Parkway, 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, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried.
- 52859 - It was moved by Kruse and seconded by Miller to reconsider Resolution #21,985, approving and authorizing execution of an Agreement with Perkins & Will relative to developing a Resilience Plan for the City of Cedar Falls. Following an unrelated comment by Jim Skaine, 2215 Clay Street, the motion failed 3-3, with Councilmembers Darrah, Miller and Harding voting Nay.
- 52860 - It was moved by Darrah and seconded by Kruse that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file a proclamation recognizing June 19, 2020 as Juneteenth - Freedom Day.

Receive and file a proclamation recognizing the week of June 17, 2020 as Waste and Recycling Workers Week.

Receive and file the resignation of James Newcomb as a member of the Visitors & Tourism Board, effective July 1, 2020.

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

Spencer Luvert, Human Rights Commission, term ending 07/01/2023.  
Willy B. Barney, Jr., Human Rights Commission, term ending 07/01/2023.  
Nichole Winther, Human Rights Commission, term ending 07/01/2023.  
Dale Schrad, Planning and Zoning Commission, term ending 11/01/2021.  
Brent Johnson, Visitors and Tourism Board, term ending 07/01/2023.  
Andrew Woodrick, Visitors and Tourism Board, 07/01/2023.

Receive and file the Committee of the Whole minutes of June 1, 2020 relative to the following items:

- a) Grow Cedar Valley Update.
- b) Bills & Payroll.

Receive and file a communication from the Civil Service Commission relative to a certified list for the position of Planner III.

Approve the following applications for cigarette/tobacco/nicotine/vapor permits:

- a) Suds, 2223 1/2 College Street.
- b) Walmart, 525 Brandilynn Boulevard.

Approve the following applications for beer permits and liquor licenses:

- a) Dollar General Store, 2921 Center Street, Class C beer & Class B wine - renewal.
- b) Holiday Inn Express & Suites, 1614 Technology Parkway, Class C beer - renewal.
- c) Kwik Star, 2019 College Street, Class C beer & Class B wine - renewal.
- d) Hong Kong Chinese Restaurant, 6306 University Avenue, Special Class C liquor - renewal.
- e) NewAldaya Lifescapes, 7511 University Avenue, Class A liquor & outdoor service - renewal.
- f) Applebee's Neighborhood Grill & Bar, 6301 University Avenue, Class C liquor - renewal.
- g) Montage, 222-224 Main Street, Class C liquor, Class B wine & outdoor service - renewal.
- h) Mulligan's Brick Oven Grill & Pub, 205 East 18th Street, Class C liquor & outdoor service - renewal.
- i) Texas Roadhouse, 5715 University Avenue, Class C liquor - renewal.
- j) Target, 214 Viking Plaza Drive, Class E liquor - renewal.
- k) Live to 9, 200 Block of State Street and 100 Block of East 2nd Street, Special Class C liquor & outdoor service – 6-month permit.
- l) Casey's General Store, 5908 Nordic Drive, Class E liquor - new.

Following comments by Jim Skaine, 2215 Clay Street, and Councilmember Miller, the motion carried unanimously.

52861 - It was moved by Darrah and seconded by Miller to receive and file a communication from the Civil Service Commission relative to a certified list for the position of Public Safety Officer. Following questions by Councilmember Harding and Jim Skaine, 2215 Clay Street, and responses by Public Safety Services Director Olson and Mayor Green, the motion carried unanimously.

52862 - It was moved by Miller and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #21,987, approving and adopting the City's FY21 Appropriations Resolution.

Resolution #21,988, approving and authorizing execution of an Administrative Services Agreement with Wellmark Blue Cross and Blue Shield relative to the City's FY21 Employee Health Plan.

Resolution #21,989, approving a Stop Loss Policy with Wellmark, Inc. relative to the City's FY21 Employee Health Plan.

Resolution #21,990, approving and authorizing execution of an Agreement with Delta Dental of Iowa for a Group Insurance Policy relative to the City's FY21 Employee Dental Plan.

Resolution #21,991, approving a restated Cafeteria Benefits Plan, and approving and authorizing execution of a Business Associate Contract with R. D. Drenkow & Co., Inc. dba Advantage Administrators relative to the City's Cafeteria Plan.

Resolution #21,992, approving and authorizing execution of a Client Authorization to Bind Coverage with Arthur J. Gallagher Risk Management Services, Inc. relative to FY21 Insurance Brokerage and Risk Management Services.

Resolution #21,993, approving and authorizing execution of an Engagement Letter with Eide Bailly, LLP to perform the audit of the City's FY20 financial statements and compliance with federal award programs.

Resolution #21,994, approving and authorizing execution of a Cooperative Agreement for Use of Swimming Pools with the Cedar Falls Community School District.

Resolution #21,995, approving and authorizing execution of an Agreement to Support Economic Development Program of Cedar Falls Community Main Street relative to an FY21 Economic Development Grant.

Resolution #21,996, approving and authorizing execution of an Agreement to Support Economic Development Program of the College Hill Partnership relative to an FY21 Economic Development Grant.

Resolution #21,997, approving and authorizing execution of an Agreement to Support Economic Development Program of the College Hill Partnership relative to FY21 Self-Supported Municipal Improvement District (SSMID) Funds.

Resolution #21,998, approving and authorizing execution of an FY21 Façade Improvement Fund Agreement with the College Hill Partnership.

Resolution #21,999, approving and authorizing execution of an Agreement in Support of the Cedar Falls Historical Society relative to an FY21 Community Betterment Grant.

Resolution #22,000, approving and authorizing execution of an Agreement in Support of the College Hill Partnership relative to an FY21 Community Betterment Grant.

Resolution #22,001, approving and authorizing execution of an Agreement in Support of FORTEPAN IOWA/University of Northern Iowa relative to an FY21 Community Betterment Grant.

Resolution #22,002, approving and authorizing execution of an Agreement in Support of the Volunteer Center of the Cedar Valley relative to an FY21 Community Betterment Grant.

Resolution #22,003, approving and authorizing execution of an Agreement in Support of the Waterloo-Cedar Falls Symphony relative to an FY21 Community Betterment Grant.

Resolution #22,004, approving and accepting a Lien Notice and Special Promissory Note for property located at 610 West 6th Street relative to the Rental to Single Family Owner Conversion Incentive Program.

Resolution #22,005, approving and accepting a Lien Notice and Special Promissory Note for property located at 2604 Iowa Street relative to the Rental to Single Family Owner Conversion Incentive Program.

Resolution #22,006, approving and authorizing execution of a Utility Easement Encroachment Agreement with J Davis Properties, LLC relative to placement of a monument sign over existing utility easements located at 6607 University Avenue.

Resolution #22,007, approving a Central Business District (CBD) Overlay Zoning District site plan for construction of a financial institution at 312 West 1st Street.

Resolution #22,008, approving and authorizing expenditure of funds for the purchase of a combination dump truck/snow plow.

Resolution #22,009, approving and authorizing expenditure of funds for the purchase of a side load automated refuse collection unit.

Resolution #22,010, approving and accepting the contract and bond of Boulder Contracting, LLC for the 2020 CDBG Sidewalk Infill Project.

Resolution #22,011, approving and authorizing execution of Amendment Number Four to the Agreement with the Flood Mitigation Board for use of sales tax increment revenues for the Downtown Levee Improvement Flood Mitigation 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, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolutions #21,987 through #22,011 duly passed and adopted.

- 52863 - It was moved by Darrah and seconded by Miller that Resolution #22,012, approving and authorizing execution of an Agreement to Support Economic Development Program of Cedar Falls Community Main Street relative to FY21 Self-Supported Municipal Improvement District (SSMID) Funds, be adopted. Following questions by Jim Skaine, 2215 Clay Street, and responses by Mayor Green and Finance and Business Operations Director Rodenbeck, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #22,012 duly passed and adopted.
- 52864 - It was moved by Darrah and seconded by Kruse that Resolution #22,013, approving and authorizing execution of an FY21 Façade Improvement Fund Agreement with Cedar Falls Community Main Street, be adopted. Following questions by Jim Skaine, 2215 Clay Street, and Mayor Green, and responses by Economic Development Coordinator Graham, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #22,013 duly passed and adopted.
- 52865 - It was moved by Miller and seconded by Kruse that Resolution #22,014, approving and authorizing execution of an Agreement to Support "Fulfilling the Vision" Campaign for Economic Vitality of Grow Cedar Valley relative to an FY21 Economic Development Grant, be adopted. Following questions by LeaAnn Saul, 1825 West Greenhill Road, and Jim Skaine, 2215 Clay Street, and responses by Economic Development Coordinator Graham and Community Development Director Sheetz, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Harding, Sires, Taiber. Nay: None. Abstain: Darrah. Motion carried. The Mayor then declared Resolution #22,014 duly passed and adopted.
- 52866 - It was moved by Darrah and seconded by Harding that Resolution #22,015, approving an occupancy permit prior to the acceptance of public improvements in Prairie Winds 4th Addition, be adopted. Following questions and comments by Councilmembers Harding and Sires, Mayor Green, and Craig Fairbanks, 405 Spruce Hills Drive, and responses by Community Development Director Sheetz and Developer Brent Dahlstrom, 5016 Samantha Circle, the Mayor put the question on the motion and upon call of the roll, the following named

Councilmembers voted. Aye: Miller, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #22,015 duly passed and adopted.

52867 - It was moved by Darrah and seconded by Kruse that Resolution #22,016, approving and authorizing execution of a Professional Service Agreement with Foth Infrastructure & Environment, LLC for design services relative to the Union Road Reconstruction Project - West 27th Street to University Avenue, be adopted. Following questions by Craig Fairbanks, 405 Spruce Hills Drive, and Jim Skaine, 2215 Clay Street, and responses by Public Works Director Schrage and Community Development Director Sheetz, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #22,016 duly passed and adopted.

52868 - It was moved by Miller and seconded by Harding that Resolution #22,017, setting July 6, 2020 as the date of public hearing to consider entering into a proposed Agreement for Private Development with Community Bank and Trust, be adopted. Following a comment by Jim Skaine, 2215 Clay Street, question by Councilmember Miller and response by City Attorney Rogers, it was moved by Kruse and seconded by Harding that the following resolutions be included in consideration without separate discussion. Motion carried unanimously.

Resolution #22,018, setting July 6, 2020 as the date of public hearing on the proposed vacation of a portion of existing storm sewer easement located on Lot 1, Block 17, Original Plat (312 West 1st Street).

Resolution #22,019, setting July 6, 2020 as the date of public hearing on the proposed rezoning from R-1 Residence District and A-1 Agricultural District, to RP Planned Residence District, of property located east of Union Road and north of West 27th Street.

Resolution #22,020, setting July 6, 2020 as the date of public hearing on the FFY20 Annual Action Plan for Community Development Block Grant (CDBG) & HOME Program funding.

Resolution #22,021, receiving and filing, and setting July 6, 2020 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2020 Seal Coat 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, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolutions #22,017 through #22,021 duly passed and adopted.

52869 - It was moved by Kruse and seconded by Miller that Resolution #22,022, receiving and filing, and setting July 6, 2020 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Clay Street Park Water Quality Improvements Project, be adopted. Following questions by

Councilmembers Miller and Taiber, and responses by Public Works Director Schrage and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #22,022 duly passed and adopted.

52870 - It was moved by Kruse and seconded by Darrah that the bills and payroll of June 15, 2020 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, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried.

52871 - City Administrator Gaines provided updates regarding COVID-19 and responded to comments by Councilmembers Taiber, Darrah and Sires regarding CDC guidelines being implemented when The Falls Aquatic Center opens on June 20th.

52872 - LeaAnn Saul, 1825 West Greenhill Road, commented on supporting law enforcement officers and Finance and Business Operations Director Rodenbeck responded to a question by Ms. Saul regarding traffic control for a recent vigil.

Mayor Green and City Administrator Gaines responded to questions by Thomas (T.J.) Frein, 1319 Austin Way, regarding parking near the 'Place to Play' Park and Downtown area, and an update on the Cedar River improvements.

Jim Skaine, 2215 Clay Street, commented on the validity of Ordinance #2824.

52873 - It was moved by Kruse and seconded by Darrah 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 to evaluate the performance of the City Administrator pursuant to Iowa Code Section 21.5(1)(i), following Public Forum. Upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 8:25 P.M.

Mayor Green reconvened the Council Meeting at 9:54 P.M. and stated that Legal Matters and Personnel Matters had been discussed but that no further action was required at this time.

52874 - It was moved by Miller and seconded by Harding that the meeting be adjourned at 9:55 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk