

**CITY HALL  
CEDAR FALLS, IOWA, JANUARY 19, 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. 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.

- 53162 - It was moved by Kruse and seconded by Miller that the minutes of the Regular Meeting of January 4, 2021 be approved as presented and ordered of record. Motion carried unanimously.
- 53163 - Mayor announced that in accordance with the public notice January 8, 2021, this was the time and place for a public hearing on the proposed funding distribution of the State's Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act. It was then moved by Harding and seconded by Darrah that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53164 - The Mayor then asked if there were any written communications filed to the proposed funding distribution. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Community Development Director Sheetz provided a brief summary of the proposal. There being no one else present wishing to speak about the proposed funding distribution, the Mayor declared the hearing closed and passed to the next order of business.
- 53165 - It was moved by Darrah and seconded by Kruse that Resolution #22,226, approving the proposed funding distribution of the State's Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act, 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: Sires, Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: None. Motion carried. The Mayor then declared Resolution #22,226 duly passed and adopted.
- 53166 - It was moved by deBuhr 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 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, deBuhr, Kruse, Harding, Darrah. Nay: None. Motion carried. The Mayor then declared Ordinance #2980 duly passed and adopted.
- 53167 - It was moved by Kruse and seconded by Darrah that Resolution #22,227,

extending the face mask mandate for the City of Cedar Falls adopted by Resolution #22,097 on September 8, 2020, and extended by Resolution #22,140 on October 19, 2020 and Resolution #22,193 on December 7, 2020, be adopted. Following comments by Councilmember Dunn, 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 Resolution #22,227 duly passed and adopted.

- 53168 - It was moved by Harding and seconded by Miller that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file Mayor's Monthly Report for December 2020.

Receive and file the Committee of the Whole minutes of January 4, 2021 relative to the following items:

- a) Downtown Vision Plan & code adoption process.
- b) Special Event Permits/Sturgis Falls Agreement.
- c) Pavement & Alley Management Program.

Approve the following applications for beer permits and liquor licenses:

- a) Panchero's Mexican Grill, 6421 University Avenue, Class B beer - renewal.
- b) Chad's Pizza and Restaurant, 909 West 23rd Street, Class C liquor & outdoor service - renewal.
- c) Happy's Wine & Spirits, 5925 University Avenue, Class E liquor - renewal.
- d) Tobacco Outlet Plus, 4116 University Avenue, Class E liquor - new.

Motion carried unanimously.

- 53169 - It was moved by Darrah and seconded by Harding to receive & file the resignation of Kei-Che Randle as a member of the Human Rights Commission effective October 5, 2020. Following comments by Councilmember Dunn, the motion carried unanimously.

- 53170 - It was moved by Darrah and seconded by Miller to approve the recommendations of the Mayor relative to the appointments of Jordyn Beranek, Melissa Heston and Evan Renfro to the Human Rights Commission for terms expiring July 1, 2021. Following a question and comment by Jim Skaine, 2215 Clay Street, and responses by Mayor Green and Councilmembers Harding and Darrah, the motion carried unanimously.

- 53171 - It was moved by deBuhr and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #22,228, approving and accepting the low bid of Lodge Construction, Inc., in the amount of \$510,298.75, for the Union Road Recreational Trail Project - West 12th Street to West 27th Street, and authorizing the City Engineer to execute the required contract, bond and insurance, using the Iowa Department of Transportation (IDOT) electronic file management system.

Resolution #22,229, approving and authorizing execution of an Entitlement Community Development Block Grant COVID-19 Program Contract with the Iowa Economic Development Authority relative to Community Development Block

Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,230, setting February 1, 2021 as the date of public hearing on the maximum levy rate.

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 #22,228 through #22,230 duly passed and adopted.

53172 - It was moved by Miller and seconded by Darrah that Resolution #22,231, approving the Certificate of Completion and accepting the work of K. Cunningham Construction Co., Inc. for the Center Street Recreational Trail Project, be adopted. Following questions by Councilmember Miller and a 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: Sires, Dunn, Miller, deBuhr, Kruse, Harding, Darrah. Nay: None. Motion carried. The Mayor then declared Resolution #22,231 duly passed and adopted.

53173 - It was moved by Kruse and seconded by Harding that Ordinance #2981, amending Chapter 6, Animals, of the Code of Ordinances relative to permitting poultry in residential areas, be passed upon its first consideration. Community Development Director Sheetz provided a brief summary of the proposed ordinances. Following comments by Mayor Green and Councilmember Kruse, it was moved by Kruse and seconded by Harding to amend the motion to include additional types of fowl, specifically quail, pheasant, dove and pigeon. The motion to amend carried 5-2, with deBuhr and Sires voting Nay. Following comments by Councilmember Kruse and responses by Mayor Green and City Attorney Rogers, it was moved by Kruse and seconded by Harding to amend the amended motion to strike the specific dimension size of coops, and replace with sized appropriate to animal husbandry rules. Following comments and questions by Councilmembers deBuhr and Kruse, and responses by Community Development Director Sheetz and Mayor Green, the motion to amend carried, with deBuhr voting Nay. Following comments by Councilmember Sires and City Attorney Rogers, it was moved by Kruse and seconded by Harding to amend the amended motion to replace sizing of runs with standard animal husbandry rules as well. Following comments by Councilmember Harding and Kruse, the motion carried, with deBuhr and Sires voting Nay. Following questions and comments by T.J. Frein, 1319 Austin Way, and Councilmembers deBuhr and Kruse, and responses from City Attorney Rogers and Community Development Director Sheetz, it was moved by Kruse and seconded by Miller, to have one-time licensing instead of annual licensing. Following comments and questions by Councilmembers deBuhr, Harding, Kruse and Sires, and responses by Community Development Director Sheetz, City Clerk Danielsen, Mayor Green and City Attorney Rogers, the motion failed 3-4, with deBuhr, Sires, Darrah and Harding voting Nay. Following comments by Councilmembers deBuhr and Sires, the Mayor put the question on the original motion as amended, and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Miller, Kruse, Harding, Darrah. Nay: Sires, deBuhr. Motion carried.

53174 - It was moved by Kruse and seconded by Miller that Ordinance #2982, amending

Chapter 6, Animals, of the Code of Ordinances relative to establishing regulations for rear yard poultry in residential areas, as previously amended, be passed upon its first consideration. Following a question by TJ Frein, 1319 Austin Way and responses by Mayor Green and Attorney Rogers, 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: Sires, deBuhr. Motion carried.

53175 - It was moved by Darrah and seconded by Harding that Ordinance #2983, amending Chapter 15, Nuisances, of the Code of Ordinances relative to keeping poultry in residential areas, be passed upon its first consideration. Following a comment by Councilmember Miller, 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: Sires, deBuhr. Motion carried.

53176 - It was moved by Kruse and seconded by Harding that the bills and payrolls of January 19, 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.

53177 - Public Works Director Schrage responded to questions and comments by Councilmembers Sires and Darrah regarding snow removal on City trails and sidewalks. Mayor Green noted a consensus of City Council to clear trails as funding allows.

Police Chief Berte and City Attorney Rogers responded to questions and comments by Councilmembers deBuhr, Kruse and Harding regarding beggars and buskers downtown.

53178 - Rick Sharp, 1623 Birch Street, commented on a potential relocation and closure of the 18<sup>th</sup> & Main Street fire station and requested that a study be done regarding response times and the need for a third station.

Jim Skaine, 2215 Clay Street, commented on the term germane and how it applies to public forum.

Mayor Green responded to a comment by Jeremy Sulentic, 1008 Rocklyn Street, regarding keeping comments germane to city business. Mr. Sulentic also commented on the need for a strobe crossing by the North Cedar School, chickens in Cedar Falls, and busking/panhandling.

53179 - It was moved by Harding and seconded by Darrah that the meeting be adjourned at 8:40 P.M. Motion carried unanimously.