

**CITY HALL  
CEDAR FALLS, IOWA, MAY 4, 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 7:00 P.M. on the above date. The Mayor opened the meeting and announced that the meeting was an electronic meeting being conducted in conformance with the Governor's Proclamation of Disaster Emergency dated March 19, 2020. Due to the COVID-19 pandemic, an in-person meeting was impractical. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Absent: None.

- 52780 - It was moved by Darrah and seconded by Harding that the minutes of the Regular Meeting of April 20, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 52781 - Mayor Green announced that in accordance with the public notice of April 24, 2020, this was the time and place for a public hearing on the proposed rezoning from A-1, Agricultural, to R-1, Residential and M-1, P, Planned Light Industrial, of recently annexed property located south of West Viking Road and east of South Union Road, and also on an associated amendment to the Future Land Use Map by changing the designation from undesignated to Industrial, Low Density Residential, and Public and Utilities. It was then moved by Darrah and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52782 - The Mayor then asked if there were any written communications filed to the proposed rezoning and associated amendment. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham commented briefly on the proposal. There being no one else present wishing to speak about the proposed rezoning and associated amendment, the Mayor declared the hearing closed and passed to the next order of business.
- 52783 - It was moved by Kruse and seconded by Harding that Ordinance #2966, amending Section 26-121 of the Code of Ordinances by rezoning from A-1, Agricultural, to R-1, Residential and M-1, P, Planned Light Industrial, of recently annexed property located south of West Viking Road and east of South Union Road, 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, Taiber. Nay: None. Motion carried.
- 52784 - It was moved by Miller and seconded by Darrah that Resolution #21,946, amending the Future Land Use Map, by changing the designation from undesignated to Industrial, Low Density Residential, and Public and Utilities, for recently annexed property located south of West Viking Road and east of South Union Road, 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, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,946 duly passed and adopted.

- 52785 - Mayor Green announced that in accordance with the public notice of April 21, 2020, this was the time and place for a public hearing on proposed amendments to the City's FY2020 Budget. It was then moved by Kruse and seconded by Sires that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52786 - The Mayor then asked if there were any written communications filed to the proposed amendments. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Controller/City Treasurer Roeding provided a brief explanation of the proposed amendments. There being no one else present wishing to speak about the proposed amendments, the Mayor declared the hearing closed and passed to the next order of business.
- 52787 - It was moved by Kruse and seconded by deBuhr that Resolution #21,947, approving and adopting amendments to the City's FY20 Budget, 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, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,947 duly passed and adopted.
- 52788 - It was moved by deBuhr and seconded by Darrah that Ordinance #2963, amending the boundaries for wards and precincts within the City of Cedar Falls to incorporate recently annexed territory, 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, Taiber. Nay: None. Motion carried.
- 52789 - It was moved by Kruse and seconded by Miller that Ordinance #2964, amending Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances relative to prohibiting loitering, be passed upon its second consideration. Following questions by Councilmembers Sires and response by Public Safety Services Director Olson, 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, Taiber. Nay: None. Motion carried.
- 52790 - It was moved by Kruse and seconded by Harding that Ordinance #2965, amending Chapter 17, Parks and Recreation, of the Code of Ordinances relative to noxious weeds, be passed upon its second consideration. Following questions by Councilmembers Sires, Miller and Harding, and Jim Skaine, 2215 Clay Street, and responses by Community Development Director Sheetz, Building Official Castle and 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, Taiber. Nay: Sires. Motion carried.
- 52791 - It was moved by Harding and seconded by Taiber to receive and file a proclamation recognizing May 2020 as Bike Month and May 20th as Ride of

Silence Day. Following a comment by Councilmember Miller regarding City Council rules and procedures, questions by Councilmember Kruse and Mayor Green, and responses by City Attorney Rogers, it was moved by Kruse and seconded by Darrah to suspend the rules and consider all Consent Calendar items together without separate discussion. Motion carried 6-1, with Councilmember Harding voting nay.

It was then moved by Kruse and seconded by Darrah the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file a proclamation recognizing May 2020 as Bike Month and May 20th as Ride of Silence Day.

Receive and file a proclamation recognizing May 2020 as Neurofibromatosis Awareness Month and May 17th as World Fibromatosis Awareness Day.

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

a) Lisa R. Thomas, Human Rights Commission, term ending 07/01/2022.

Receive and file Departmental Monthly Reports of March 2020.

Receive and file the Bi-Annual Report of Community Main Street relative to FY20 Self-Supported Municipal Improvement District (SSMID) Funds and an FY20 Economic Development Grant.

Receive and file the Bi-Annual Report of College Hill Partnership relative to FY20 Self-Supported Municipal Improvement District (SSMID) Funds and an FY20 Economic Development Grant.

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

- Casey's General Store #1887, 2425 Center Street
- b) Casey's General Store #2630, 5226 University Avenue
- c) Casey's General Store #2865, 5908 Nordic Drive
- d) Casey's General Store #3045, 601 Main Street
- e) Casey's General Store #3610, 1225 Fountains Way
- f) Five Corner Liquor and Wine, 809 E 18th Street
- g) Happy's Wine & Spirits, 5925 University Avenue
- h) Hill Street News & Tobacco, 2217 College Street
- i) King Star, 2228 Lincoln Street
- j) Music Station, 1420 W. 1st Street
- k) The Landmark, 107 Main Street
- l) Up In Smoke, 2218 College Street

Approve the following applications for beer permits and liquor licenses:

- a) Tobacco Outlet Plus, 4116 University Avenue, Class C beer - renewal.
- b) Berk's Main Street Pub, 207 Main Street, Class C liquor - renewal.
- c) Suds & Suds Circle Pizza, 2223 1/2 College Street, Class C liquor & outdoor service - renewal.
- d) Casey's General Store, 5226 University Avenue, Class E liquor - renewal.

Motion carried unanimously.

- 52792 - It was moved by Kruse and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #21,948, approving and adopting an Amendment to Implement Over-the-Counter Medications for the City's Cafeteria Plan relative to implementing provisions of the CARES Act of 2020.

Resolution #21,949, approving and authorizing execution of an Agreement for Wrecker/Towing/Storage Service with L&M Transmission.

Resolution #21,950, approving and authorizing execution of an Agreement for Wrecker/Towing/Storage Service with Rasmusson Towing, Inc.

Resolution #21,951, setting May 18, 2020 as the date of public hearing on authorization of a Loan Agreement and the proposed issuance of not to exceed \$700,000 General Obligation Capital Loan Notes (for general corporate purposes).

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, Taiber. Nay: None. Motion carried. The Mayor then declared Resolutions #21,948 through #21,951 duly passed and adopted.

- 52793 - It was moved by Darrah and seconded by Miller that Resolution #21,952, receiving and filing the bids, and approving and accepting the low bid of Failor Hurley Construction, Inc., in the amount of \$209,800, for the Cedar Falls Recreation Center – Locker Rooms Renovation Project, be adopted. Following questions and comments by Councilmembers Sires, Taiber, Darrah and Miller, and Jim Skaine, 2215 Clay Street, and responses by Community Development Director Sheetz and Building Official Castle, 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, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,952 duly passed and adopted.

- 52794 - It was moved by Kruse and seconded by Harding that Resolution #21,953, approving and accepting the contract and bond of Failor Hurley Construction, Inc. for the Cedar Falls Recreation Center – Locker Rooms Renovation Project, be adopted. Following questions by Councilmember Harding and responses by City Attorney Rogers and City Administrator Gaines, 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, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,953 duly passed and adopted.

- 52795 - It was moved by Kruse and seconded by Darrah that Resolution #21,954, approving and authorizing submission of an application for Traffic Safety Improvement Program (TSIP) funding with the Iowa Department of Transportation relative to the Greenhill Road and South Main Street Intersection Improvements, be adopted. Following questions and comments by Councilmembers Sires, Miller, Darrah, Harding and Kruse, Mayor Green, Penny Popp, 4805 South Main Street,

LeaAnn Saul, 1825 West Greenhill Road, Jeremy Sulentic, 1008 Rocklyn Street, Jim Skaine, 2215 Clay Street, and Kelly Dunn, 915 Royal Drive, and responses by Public Works Director Schrage, City Administrator Gaines and Fire Chief Bostwick, 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, Taiber. Nay: Sires. Motion carried. The Mayor then declared Resolution #21,954 duly passed and adopted.

52796 - It was moved by Darrah and seconded by Miller that Resolution #21,955, receiving and filing, and setting May 18, 2020 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2020 CDBG Sidewalk Infill Project, be adopted. Following a question by Jim Skaine, 2215 Clay Street, and response by City Administrator Gaines, 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, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,955 duly passed and adopted.

52797 - It was moved by Darrah and seconded by Miller that Resolution #21,956, setting May 18, 2020 as the date of public hearing on authorization of a Loan Agreement and the proposed issuance of not to exceed \$2,800,000 General Obligation Capital Loan Notes (for essential corporate purposes), be adopted. Following a question by Jim Skaine, 2215 Clay Street, 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,956 duly passed and adopted.

52798 - It was moved by Kruse and seconded by Taiber that Resolution #21,957, setting May 18, 2020 as the date of public hearing on the proposed adoption of the Multi-Jurisdictional Hazard Mitigation Plan for Black Hawk County, be adopted. Following a question by Councilmember Taiber 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,957 duly passed and adopted.

52799 - It was moved by Darrah and seconded by Harding that the bills and payroll of May 4, 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, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried.

52800 - It was moved by Harding and seconded by Kruse to refer to the Committee of the Whole the review of backyard chickens. Following questions by Mayor Green and Councilmembers deBuhr and Kruse, and responses by City Attorney Rogers and Mayor Green, the motion carried 6-1, with Councilmember deBuhr voting nay.

It was moved by Sires and seconded by deBuhr to conduct the next City Council meeting from the City Hall Council Chambers. Following discussion, the motion by Sires was withdrawn.

- 52801 - Mayor Green and City Administrator Gaines responded to questions and comments by Councilmembers Sires, Kruse, Harding, Taiber, Miller and Darrah regarding returning City Council meetings to the Council Chambers.

Public Safety Director Olson responded to a question by Councilmember Darrah regarding officers wearing personal protective equipment when engaging with the public.

Finance and Business Operations Director Rodenbeck responded to a question by Councilmember Harding regarding the status of the annual Sturgis Falls Celebration.

Mayor Green responded to a question by Councilmember Kruse regarding the status of the College Hill Visioning project.

- 52802 - City Administrator Gaines commented on precautions being taken by city staff during the pandemic and that staff has started working on plans for reopening city operations.

City Administrator Gaines commented that the College Hill Visioning project will tentatively resume this fall if students are back and the consultants are able to travel.

- 52803 - Public Safety Services Director Olson responded to questions by LeaAnn Saul, 1825 West Greenhill Road, regarding the Public Safety budget amendments.

Mayor Green responded to comments by Jim Skaine, 2215 Clay Street, regarding items on the agenda and information provided in the city council packets.

- 52804 - It was moved by Kruse and seconded by Harding to adjourn to Executive Session to discuss Collective Bargaining per Iowa Code Section 20.17(3), following Public Forum. Upon call of the roll, the following named Councilmembers voted. Aye: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 9:03 P.M. Councilmember deBuhr now absent.

Mayor Green reconvened the Council Meeting at 9:18 P.M. and stated that Collective Bargaining had been discussed but that no further action was required at this time.

- 52805 - It was moved by Kruse and seconded by Miller that the meeting be adjourned at 9:19 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk