

**CITY HALL
CEDAR FALLS, IOWA, MARCH 16, 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, in the City Hall at Cedar Falls, Iowa, at 7:00 P.M. on the above date. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Absent: None.

- 52720 - It was moved by Kruse and seconded by Darrah that the minutes of the Regular Meeting of March 2, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 52721 - Mayor Green announced that this was the time and place for a hearing on a proposed resolution adopting and levying the final schedule of assessments for the 2019 Sidewalk Assessment Project, Zone 2. Public Works Director Schrage provided a brief summary of the project and process.
- 52722 - It was moved by Darrah and seconded by Kruse that Resolution #21,907, adopting and levying the final schedule of assessments for the 2019 Sidewalk Assessment Project, Zone 2, 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 #21,907 duly passed and adopted.
- 52723 - The Mayor announced that in accordance with the public notice of March 6, 2020, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the Oak Park Sanitary Sewer Repair Project. It was then moved by Darrah and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52724 - The Mayor then asked if there were any written communications filed to the proposed project. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Public Works Director Schrage provided a brief summary of the proposed project. Following a comment by Jim Snodgrass, 3019 Minnetonka Drive, protesting the easement price, the Mayor declared the hearing closed and passed to the next order of business.
- 52725 - It was moved by Taiber and seconded by deBuhr that Resolution #21,908, approving a public improvement for the Oak Park Sanitary Sewer Repair Project and authorizing acquisition of private property for said project, be adopted. Following questions by Councilmembers Taiber, Sires, Kruse and Harding, and Mayor Green, and responses by Public Works Director Schrage and City Attorney Rogers, 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 #21,908 duly passed and adopted.

52726 - It was moved by Darrah and seconded by Harding that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file the resignation of Carol Lilly as a member of the Parks & Recreation Commission.

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

- a) Sue Beach, Board of Adjustment, term ending 03/31/2025.
- b) Amy Lang, Board of Adjustment, term ending 03/31/2025.

Receive and file the Committee of the Whole minutes of March 2, 2020 relative to the following items:

- a) Board of Adjustment Interview - Sue Beach.
- b) Board of Adjustment Interview - Amy Lang.
- c) Hearst Visioning Committee.
- d) Red Cedar Update.
- e) Bills & Payroll.

Receive and file the Administration Committee minutes of March 10, 2020 relative to a hearing to consider the appeal of an employee grievance denial.

Receive and file Departmental Monthly Reports of January 2020.

Approve the following applications for beer permits and liquor licenses:

- a) Barn Happy, 11310 University Avenue, Class B native wine - renewal.
- b) Social House, 2208 College Street, Class C liquor & outdoor service - renewal.
- c) The Stuffed Olive, The Roxxy and Deringer's Public Parlor 314-316 Main Street, Class C liquor & outdoor service - renewal.
- d) Voodoo Lounge, 401 Main Street, Class C liquor - renewal.
- e) Happy's Wine & Spirits, 5925 University Avenue, Class E liquor - renewal.
- f) Chad's Pizza, Birdsall Park Softball Complex, Class B beer & outdoor service - 6-month permit.
- g) Chilitos Mexican Bar and Grill, 1704 West 1st Street, Class C liquor - new.

Following a question by Councilmember Taiber and response by City Attorney Rogers, the motion carried unanimously.

52727 - It was moved by Kruse and seconded by Miller that the following resolutions be introduced and adopted:

Resolution # 21,909, approving and authorizing execution of an Agreement with INVISION Architecture, LTD for design services relative to the Recreation Center Locker Room Upgrades.

Resolution #21,910, approving and authorizing submission of the City's FY2020-2024 Public Housing Agency (PHA) Five Year Plan.

Resolution #21,911, approving and authorizing execution of a Funding Approval/Agreement with the U.S. Department of Housing and Urban Development (HUD) relative to the Community Development Block Grant

(CDBG) Program.

Resolution #21,912, approving and accepting the contract and bond of Peterson Contractors, Inc. relative to the 12th Street Reconstruction Project.

Resolution #21,913, receiving and filing the bids, and approving and accepting the low bid of Benton's Sand & Gravel, Inc., in the amount of \$208,144.62, for the 2020 Permeable Alley Project.

Resolution #21,914, receiving and filing the bids, and approving and accepting the low bid of Peterson Contractors, Inc., in the amount of \$3,385,340.30, for the 2020 Street Construction Project.

Resolution #21,915, approving and authorizing execution of a Professional Service Agreement with Shive-Hattery, Inc. relative to the Greenhill Road/South Main Street Reconstruction Project.

Resolution #21,916, approving and authorizing execution of a Temporary Construction Easement Agreement for Stairway, in conjunction with the Downtown Streetscape and Reconstruction Project.

Resolution #21,917, setting April 6, 2020 as the date of public hearing on the proposed vacation and dedication of storm sewer easement on the northeast corner of the property at 312 West 1st 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, Taiber. Nay: None. Motion carried. The Mayor then declared Resolutions #21,909 through #21,917 duly passed and adopted.

52728 - It was moved by Darrah and seconded by Kruse that Resolution #21,918, approving and adopting the recommendations of the Mayor's Firefighter Transition Task Force relative to a Transition Plan for the immediate implementation of the Public Safety Officer Program, approving and adopting a revised job classification for the position of Public Safety Officer, the Form and Content of a Letter of Recommendation, the Form and Content of a Resignation of Employment and Release Agreement; and authorizing the City Administrator to execute any and all such approved documents as necessary, be adopted.

City Attorney Rogers, Finance & Business Operations Director Rodenbeck, City Administrator Gaines and Fire Chief Bostwick responded to questions and comments by Councilmembers Miller, Taiber, deBuhr, Harding, and Miller, Mayor Green, Rick Sharp, 1623 Birch Street, Jennie Hansel, 219 Angie Drive, Whitney Smith, 2904 Neola Street, and Mary LeGore, 2602 Cedar Heights Drive. The Mayor then 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 #21,918 duly passed and adopted.

52729 - It was moved by Miller and seconded by Darrah that Resolution #21,919,

approving a revised Central Business District Overlay Zoning District site plan for development on Lot 3 of River Place 3rd Addition, be adopted.

Community Development Director Sheetz provided a brief summary of the proposed revisions. Following questions by Councilmembers Kruse, Miller, Taiber, Harding and responses by Developer Mark Kittrell, Community Development Director Sheetz, City Attorney Rogers and Councilmember Sires, it was moved by Kruse and seconded by deBuhr to add a sixth condition of a human/pet drinking fountain to the project.

It was then moved by Taiber and seconded by Harding to rescind the previous motion and amend the original motion to include a reasonable and best effort to include a water fountain for use. The motion to amend carried unanimously.

Following comments by Ty Kimble, 2204 Valley Park Drive, and Whitney Smith, 2904 Neola Street, the Mayor then put the question on the original motion, as amended, 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 #21,919 duly passed and adopted.

52730 - It was moved by Kruse and seconded by Taiber that the bills and payroll of March 16, 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, Blanford, Darrah, Wieland, Green. Nay: None. Motion carried.

52731 - Councilmember Miller responded to recent social media posts.

Finance and Business Operations Director Rodenbeck responded to a question by Councilmember Kruse regarding upcoming bond sales and the ability for the City to refinance existing bonds.

52732 - City Administrator Gaines provided an update on efforts being taken by the City to protect employees and citizens during the COVID-19 pandemic, and responded to questions by Councilmembers Kruse and Taiber regarding changes in scheduled meetings.

Mayor Green announced that the March 24th Cedar Falls Special Election was being postponed to March 31st, and encouraged participation by absentee ballot.

52733 - The City Council adjourned to Executive Session at 8:32 P.M.

Mayor Green reconvened the City Council meeting at 8:51 P.M. and stated that Property Acquisition had been discussed but that no further action was required at this time.

52734 - Attorney Eashaan Vajpeyi, 3831 Convair Lane, commented on a perceived conflict of interest with a Planning and Zoning committee member regarding recent revisions to College Hill zoning, and he requested that the City implement a system to check for potential conflicts.

Jeremy Sulentic, 1008 Rocklyn Street, commented on council meetings being held without public access and read a section of the Iowa Code regarding removal of elected officials.

52735 - It was moved by Darrah and seconded by Taiber that the meeting be adjourned at 8:52 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk