

**CITY HALL
CEDAR FALLS, IOWA, APRIL 20, 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.

- 52755 - It was moved by Harding and seconded by Darrah that the minutes of the Regular Meeting of April 6, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 52756 - Mayor Green announced the continuation of the public hearing on the proposed vacation and dedication of a storm sewer easement on the northeast corner of the property located at 312 West 1st Street. Community Services Manager Howard provided a brief summary. There being no one else present to speak about the proposed vacation and dedication, the Mayor declared the hearing closed and passed to the next order of business.
- 52757 - It was moved by Darrah and seconded by Kruse that Resolution #21,932, approving and authorizing vacation and dedication of a storm sewer easement on the northeast corner of the property located at 312 West 1st Street, 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 #21,932 duly passed and adopted.
- 52758 - (Lost connection with Councilmember Sires.) Mayor Green announced that in accordance with the public notice of April 10, 2020, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Cedar Falls Recreation Center – Locker Rooms Renovation Project. It was then moved by Darrah and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52759 - The Mayor then asked if there were any written communications filed to the proposed plans, etc. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Building Official Castle provided a brief summary of the proposed project. There being no one else present wishing to speak about the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.
- 52760 - It was moved by Taiber and seconded by Darrah that Resolution #21,933, approving and adopting the plans, specifications, form of contract & estimate of

cost for the Cedar Falls Recreation Center – Locker Rooms Renovation Project, be adopted. Following questions by Councilmembers Taiber and Darrah, and responses by 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, Taiber. Nay: None. Absent: Sires. Motion carried. The Mayor then declared Resolution #21,933 duly passed and adopted.

- 52761 - Mayor Green announced that in accordance with the public notice of April 10, 2020, this was the time and place for a public hearing on a proposed ordinance amending the boundaries for wards and precincts within the City of Cedar Falls to incorporate recently annexed territory. It was then moved by deBuhr and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 52762 - The Mayor then asked if there were any written communications filed to the proposed amendment. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. City Administrator Gaines provided a brief summary. There being no one else present wishing to speak about the proposed amendment, the Mayor declared the hearing closed and passed to the next order of business.
- 52763 - It was moved by Taiber and seconded by deBuhr 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 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, Taiber. Nay: None. Absent: Sires. Motion carried.
- 52764 - (Councilmember Sires now present at 7:13 P.M.) It was moved by Kruse and seconded by Miller 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 members to Boards and Commissions:

- a) Chris Martin, Board of Rental Housing Appeals, term ending 05/01/2024.
- b) Cindy Wiles, Board of Rental Housing Appeals, term ending 05/01/2024.

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

Approve the following applications for beer permits and liquor licenses:

- a) Hy-Vee Clubroom, 6301 University Avenue, Special Class C liquor - renewal.
- b) The Horny Toad American Bar & Grille, 204 Main Street, Class C liquor - renewal.
- c) ZSAVOOZ, 206 Brandilynn Boulevard, Class C liquor & outdoor service - renewal.
- d) Casey's General Store, 2425 Center Street, Class E liquor - renewal.
- e) Walgreens, 2509 Whitetail Drive, Class E liquor - renewal.

Motion carried unanimously.

- 52765 - It was moved by Harding and seconded by deBuhr to receive and file a communication from the Civil Service Commission relative to a certified list for the position of Assistant Public Safety Director/Police Chief.

Following questions and comments by Councilmembers Harding, Sires, Taiber, Darrah, Kruse and Miller, Mayor Green, Thomas (T.J.) Frein, 1319 Austin Way, Rick Sharp, 1623 Birch Street, and Jeremy Sulentic, 1008 Rocklyn Street, and responses by City Administrator Gaines, Finance and Business Operations Director Rodenbeck, Public Safety Services Director Olson, Mayor Green and City Attorney Rogers, the motion carried 6-1 with Councilmember Sires voting nay.

- 52766 - It was moved by Kruse and seconded by Taiber that the following resolutions be introduced and adopted:

Resolution #21,934, authorizing the redemption of outstanding General Obligation Capital Loan Notes, Series 2009A, of the City of Cedar Falls, dated December 23, 2009, and directing notice be given.

Resolution #21,935, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the University Avenue Reconstruction Project - Phase 2.

Resolution #21,936, approving and authorizing execution of Supplemental Agreement No. 1 to the Professional Service Agreement with Snyder & Associates, Inc. relative to the Union Road Recreational Trail Project – 12th Street to 27th Street.

Resolution #21,937, approving and authorizing execution of an Amendment to Agreement with River Place Properties, LC and State Street Mixed Use II, LC relative to conveyance of certain real estate to the City, and approving and authorizing execution of a Memorandum of Agreement affecting a Second Amendment to Agreement for Private Development with River Place Properties, LC and State Street Mixed Use II, LC.

Resolution #21,938, approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for temporary wheat paste murals in the College Hill Business District.

Resolution #21,939, setting May 4, 2020, as the date of public hearing on amendments to the City's FY2020 Budget.

Resolution #21,940, setting May 4, 2020 as the date of 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 being undesignated to Industrial, Low Density Residential, and Public and Utilities.

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 #21,934 through #21,940 duly passed and adopted.

- 52767 - It was moved by deBuhr and seconded by Miller that Resolution #21,941, approving and authorizing execution of a Second Amendment to Loan Agreement with Sturgis Falls Celebration, Inc., be adopted. Following a question by Thomas (T.J.) Frein, 1319 Austin Way, and responses by Finance and Business Operations Director Rodenbeck and Councilmember Sires, 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 #21,941 duly passed and adopted.
- 52768 - It was moved by Darrah and seconded by Harding that Resolution #21,942, approving and authorizing execution of a contract with Laser Line Striping relative to 2020 pavement marking services, be adopted. Following questions and comments by Councilmembers deBuhr and Kruse, and Kelly Dunn, 915 Royal Drive, and responses 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,942 duly passed and adopted.
- 52769 - It was moved by Darrah and seconded by deBuhr that Resolution #21,943, approving and authorizing execution of Supplemental Agreement No. 1 to the Professional Service Agreement with AECOM Technical Services, Inc. for acquisition services relative to the Olive Street Box Culvert Replacement Project, be adopted. Following questions by Councilmembers Harding and Darrah, and responses by City Administrator Gaines 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, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,943 duly passed and adopted.
- 52770 - It was moved by Miller and seconded by deBuhr that Resolution #21,944, approving and authorizing execution of a Professional Service Agreement with Snyder & Associates, Inc. relative to the Island Park Improvements Project, be adopted. Following questions and comments by Councilmembers Miller and Taiber, and responses 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Taiber. Nay: None. Motion carried. The Mayor then declared Resolution #21,944 duly passed and adopted.
- 52771 - It was moved by Darrah and seconded by Kruse that Resolution #21,945, approving a Highway Corridor and Greenbelt (HCG) Overlay Zoning District site plan for construction of a financial institution at 126 Brandilynn Boulevard, be adopted. Following questions and comments by Councilmember Harding, Mayor Green, and Joseph Abraham, 221 ½ Main Street, Readlyn, and responses by

Community Services Manager Howard, 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 #21,945 duly passed and adopted.

52772 - It was moved by Harding and seconded by Kruse that Ordinance #2964, amending Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances relative to prohibiting loitering, be passed upon its first consideration. Following questions by Councilmembers Harding, Taiber and Darrah, Thomas (T.J.) Frein, 1319 Austin Way, and Jeremy Sulentic, 1008 Rocklyn Street, and responses by Public Safety Services Director Olson 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.

52773 - It was moved by Darrah and seconded by Kruse that Ordinance #2965, amending Chapter 17, Parks and Recreation, of the Code of Ordinances relative to noxious weeds, be passed upon its first consideration. Following questions by Councilmembers Kruse, Darrah, Sires and Harding, and Jeremy Sulentic, 1008 Rocklyn Street, and responses by Building Official Castle 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, deBuhr, Kruse, Harding, Darrah, Taiber. Nay: Sires. Motion carried.

52774 - It was moved by Kruse and seconded by deBuhr that the bills and payroll of April 20, 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.

52775 - Mayor Green, Public Safety Services Director Olson, City Administrator Gaines and City Attorney Rogers responded to questions and comments by Councilmembers Kruse, Darrah and Taiber regarding the timeline of the appointment process for the Assistant Public Safety Director/Police Chief position.

It was then moved by Taiber and seconded by Darrah to refer to Committee of the Whole a discussion on stormwater collection strategies. Following comments by City Administrator Gaines and Councilmember deBuhr, the motion by Taiber and second by Darrah were withdrawn.

52776 - Northern Iowa Student Government Liaison Rebecca Aberle announced that the University of Northern Iowa Spring graduation was cancelled, summer courses will be held on-line, and student volunteers have been collecting Personal Protection Equipment (PPE) to help those in need.

Councilmember Sires expressed appreciation to the Lions Club for their clean-up efforts along Union Road, and to the Public Works and City Staff for their continued efforts during this time.

52777 - Councilmember Kruse expressed opposition to closing the City transfer station. Following questions and comments by Councilmembers Taiber, Harding, Kruse, Darrah and Miller, and Mayor Green, and responses by City Administrator Gaines, Public Safety Services Director Olson, Public Works Director Schrage and Mayor Green, there was consensus to keep the transfer station and pickle ball courts open, and to close the restrooms in parks during the COVID-19 pandemic.

City Administrator Gaines provided additional updates on the COVID-19, precautions city staff continue to take, and how future projects may be pushed back due to funding sources being affected by the pandemic.

Community Development Director Sheetz responded to a question by Mayor Green regarding allowable use of campers and RV's on private property in residential areas for up to 30 days.

Mayor Green responded to a question by Councilmember Miller regarding the authorities of Mayor and City Administrator, and for allowing a current city employee to speak earlier in the meeting about an employment matter.

Mayor Green recognized this week as 'Administrative Professionals Week' and he and Councilmember Darrah thanked City administrative staff. The Mayor then recognized Fire Chief Bostwick for his 40 years of service.

52778 - Thomas (T.J.) Frein, 1319 Austin Way, suggested involving outside agencies in the police chief selection process, spoke about the importance of pavement markings and expressed appreciation for trash cans on the trails.

Mayor Green responded to a question by Mr. Frein about a recent proclamation he signed regarding COVID-19 cases at the Tyson Fresh Meats plant. Public Safety Services Director Olson, Finance and Business Operations Director Rodenbeck and Councilmember deBuhr responded to questions and comments by Councilmember Kruse and Mr. Frein, regarding the Police Chief selection process.

Finance and Business Operations Director Rodenbeck responded to a question by Jeremy Sulentic, 1008 Rocklyn Street, regarding access to older City Council meeting videos.

Kelly Dunn, 915 Royal Drive, expressed appreciation for the COVID-19 discussion and pavement markings, and encouraged use of patience and science as the city starts to reopen.

Manette Bell Anderson, 2508 Union Road, commented on the electronic city council meetings and encouraged the City to hold off on making decisions during this time.

Rick Sharp, 1623 Birch Street, congratulated Fire Chief Bostwick on 40 years of service, and suggested that the City look into withdrawing from TIF accounts to fund declines in revenue. Mayor Green responded to Mr. Sharp's request for the City to work with Cedar Falls High School to recognize local graduating seniors.

Penny Popp, 4805 South Main Street, expressed appreciation to the Cedar Trails Partnership for providing a grant for a bike repair station at Eldorado Park, and to the City for their assistance in installing it.

52779 - It was moved by Harding and seconded by Miller that the meeting be adjourned at 10:04 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk