

**CITY HALL
CEDAR FALLS, IOWA, SEPTEMBER 7, 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. Members present: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Absent: None.

53461 - It was moved by Darrah and seconded by Miller that the minutes of the Regular Meeting of August 16, 2021 be approved as presented and ordered of record. Motion carried unanimously.

53462 - Mayor Green read the following proclamations:

Proclamation recognizing September 17-23, 2021 as Constitution Week. Boy Scouts of America Scout Carson Wirtz and Daughters of the American Revolution Representative Barb Gregerson commented.

Proclamation recognizing September 5-11, 2021 as Suicide Prevention and Recovery Week.

53463 - Following consensus among Councilmembers, the Mayor announced that since the two public hearings were closely related, that they would be combined.

Mayor announced that in accordance with the public notices of August 27, 2021, this was the time and place for a public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinance relative to establishing the CD-DT, Downtown Character District, and on the proposed rezoning of all property within the defined boundaries of the Downtown Character District from current zoning districts and placing the same in the CD-DT, Downtown Character District Zoning District. It was then moved by Harding and seconded by Miller that the proofs of publication of notices for both hearings be received and placed on file. Motion carried unanimously.

53464 - The Mayor then asked if there were any written communications filed to the proposed amendments and rezoning. Upon being advised that there were three written communications on file, the Mayor then called for oral comments. Planning & Community Services Manager Howard and Ferrell Madden consultant Mary Madden provided a summary of the proposals. Following questions and comments by Mary Jane McCollum, 807 West 2nd Street, Community Main Street Executive Director Kim Bear, Developer Mark Kittrell, 250 State Street, Jim Benda, 1816 Valley High Drive, and Sally Timmer, 203 Tremont Street, the Mayor declared the hearing closed and passed to the next order of business.

53465 - It was moved by Darrah and seconded by Harding that Ordinance #2994, amending Chapter 26, Zoning, and other associated sections of the Code of Ordinances relative to establishing the CD-DT, Downtown Character District, be

passed upon its first consideration. Following questions and comments by Councilmembers Harding, Sires, deBuhr, Kruse, Miller, Darrah and Dunn, and responses by Planning & Community Services Manager Howard and Ferrell Madden consultant Madden, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Harding, Darrah, Dunn. Nay: deBuhr, Kruse, Sires. Motion carried.

53466 - It was then moved by Miller and seconded by Harding that Ordinance #2995, amending Section 26-118 of the Code of Ordinances, by removing all property within the defined boundaries of the Downtown Character District from current zoning districts and placing the same in the CD-DT, Downtown Character District Zoning District, be passed upon its first consideration. Following a question by Councilmember Kruse and response by Planning & 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, Harding, Darrah, Dunn. Nay: deBuhr, Kruse, Sires. Motion carried.

53467 - It was moved by Harding and seconded by Miller that the following items on the Consent Calendar be received, filed and approved:

Receive and file the following resignations of members from Boards and Commissions:

- a) John Clopton, Civil Service Commission.
- b) Abigail Sears, Planning & Zoning Commission.
- c) Leslie Prideaux, Planning & Zoning Commission, effective October 1, 2021.
- d) Leslie Prideaux, Visitors & Tourism Board, effective October 1, 2021.

Receive and file the Work Session minutes of August 16, 2021 relative to the following item:

- a) Protocols for Remote Public Participation in City Open Meetings.

Receive and file the Committee of the Whole minutes of August 16, 2021 relative to the following items:

- a) Utilities Board of Trustees Interview.
- b) Cedar River Recreation Safety Project.
- c) Future Forward 2025 Update.

Receive and file the Departmental Monthly Reports of July, 2021.

Approve the following Order Accepting Acknowledgment/Settlement Agreements:

- a) Bani's, 2128 College Street, First tobacco violation.
- b) Casey's General Store, 2425 Center Street, First tobacco violation.
- c) Prime Mart, 2728 Center Street, First tobacco violation.

Approve the following applications for beer permits and liquor licenses:

- a) Fleet Farm, 400 West Ridgeway Avenue, Class C beer & Class B wine - renewal.
- b) Fleet Farm Fuel, 108 West Ridgeway Avenue, Class C beer & Class B wine - renewal.
- c) Blue Room, 201 Main Street, Class C liquor - renewal.

d) Wilbo, 118 Main Street, Class C liquor - renewal.

e) Casey's General Store, 1225 Fountains Way, Class E liquor - renewal.

Motion carried unanimously.

53468 - It was moved by Harding and seconded by Miller that the following resolutions be introduced and adopted:

Resolution #22,505, approving and adopting amendments to the City's Emergency Operations Plan.

Resolution #22,506, approving and adopting revised public meeting protocols during the COVID-19 pandemic.

Resolution #22,507, designating the Director of Finance & Business Operations as the City of Cedar Falls authorized representative for signing and filing documents to obtain federal financial assistance under the coronavirus state and local fiscal recovery funds established under the American Rescue Plan Act.

Resolution #22,508, approving and authorizing the transfer of funds from the General Fund to the Emergency Reserve and Capital Projects Funds.

Resolution #22,509, approving and authorizing execution of an Account Service Agreement with One Source The Background Check Company for pre-employment and promotional background reports and driver's license validation.

Resolution #22,510, approving and authorizing execution of a Cooperative Agreement with the Iowa Civil Rights Commission for FY22.

Resolution #22,511, approving and authorizing execution of a Facilities Use Agreement with Northeast Iowa Area Agency on Aging, Inc. (NEI3A) relative to use of the Community Center.

Resolution #22,512, approving and authorizing the expenditure of funds for the purchase of cameras for the Transfer Station and Public Works facilities.

Resolution #22,513, approving and authorizing execution of a Facility Use Agreement with the American National Red Cross relative to use of the Recreation and Fitness Center as a shelter during a disaster emergency.

Resolution #22,514, approving a Mixed Use Residential (MU) Zoning District site plan for a medical clinic addition at 226 Bluebell Road.

Resolution #22,515, approving Lot 17 Green Acres Minor Subdivision Plat.

Resolution #22,516, approving and accepting the contract and bond of Blacktop Service Company for the 2021 Seal Coat Project.

Resolution #22,517, approving and authorizing execution of a Storm Water Facility Maintenance and Repair Agreement with Midwest Development Co. and Wild Horse Ridge Homeowners Association relative to a post-construction stormwater management plan for Wild Horse Ridge.

Resolution #22,518, approving an amendment to the preliminary plat of Wild Horse Ridge.

Resolution #22,519, receiving and filing, and setting September 20, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2021 Street Patching Project.

Resolution #22,520, receiving and filing, and setting September 20, 2021 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Recreational River Area and Riverbank Improvements 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, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #22,505 through #22,520 duly passed and adopted.

- 53469 - It was moved by Kruse and seconded by Darrah that the bills and claims of September 7, 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried.

- 53470 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 8:47 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk