

**CITY HALL
CEDAR FALLS, IOWA, AUGUST 17, 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 7:01 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.

Mayor Green welcomed newly elected Councilmember Kelly Dunn.

- 52942 - It was then moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of August 3, 2020 be approved as presented and ordered of record. Motion carried unanimously.
- 52943 - Mayor Green announced that in accordance with the public notice of August 7, 2020, this was the time and place for a public hearing on the proposed rezoning from A-1, Agricultural District to P, Public District, of certain property located north of West 27th Street and west of P E Center Drive, and also on an associated amendment to the Future Land Use Map by changing the designation from Medium Density Residential and University to Schools. 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.
- 52944 - The Mayor then asked if there were any written communications filed to the proposed rezoning. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planning and Community Services Manager Howard provided a brief summary of the proposed rezoning and responded to a question by Jim Skaine, 2215 Clay Street. There being no one else present wishing to speak about the proposed rezoning, the Mayor declared the hearing closed and passed to the next order of business.
- 52945 - It was moved by deBuhr and seconded by Harding that Ordinance #2969, amending Section 26-118 of the Code of Ordinances by removing property located north of West 27th Street and west of P E Center Drive from the A-1, Agricultural District, and placing the same in the P, Public District, 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, Dunn. Nay: None. Motion carried.
- 52946 - It was moved by Darrah and seconded by deBuhr that Resolution #22,077, amending the Future Land Use Map by changing the designation from Medium Density Residential and University to Schools, for property located north of West 27th Street and west of P E Center Drive, 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, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,077 duly passed and adopted.

- 52947 - It was moved by Kruse and seconded by Darrah that the following items and recommendations on the Consent Calendar be received, filed and approved:

Receive and file a proclamation recognizing August 18, 2020 as the 19th Amendment Ratification Centennial Day.

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

- a) Jeremy Rosel, Art & Culture Board.
- b) Jeffrey Zaputil, Human Rights Commission.
- c) Marvin Mattfeld, Park & Recreation Commission.

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

- a) Chelsey Bowermaster, Health Trust Fund Board of Trustees, term ending 12/31/2020.

Receive and file the Committee of the Whole minutes of August 3, 2020 relative to the following items:

- a) Washington Street Reconstruction.
- b) Bills & Payroll.

Receive and file the Abstract of Votes for the July 7, 2020 Special Election to fill vacancy (TFV) and the August 4, 2020 Special Runoff Election to fill vacancy (TFV).

Approve the following applications for beer permits and liquor licenses:

- a) Buffalo Wild Wings, 6406 University Avenue, Class C liquor & outdoor service - renewal.
- b) The Library, 2222 College Street, Class C liquor & outdoor service - renewal.
- c) Whiskey Road Tavern & Grill, 402 Main Street, Class C liquor & outdoor service - renewal.
- d) Fraternal Order of Eagles, 2125 West Lone Tree Road, Class C liquor & outdoor service - temporary expansion of outdoor service area. (August 22, 2020)
- e) Main Street Sweets, 307 Main Street, Class B native wine – new.
- f) The Ragged Edge Art Bar & Gallery, 504 Bluff Street, Class C liquor & outdoor service – new with exceptions.

Motion carried unanimously.

- 52948 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,078, supporting the Sister City relationship with Ferizaj of the Republic of Kosovo.

Resolution #22,079, naming official depositories for the City of Cedar Falls.

Resolution #22,080, approving and authorizing a request for reimbursement from the Iowa Covid-19 Government Relief Fund for eligible costs related to the Covid-19 public health emergency.

Resolution #22,081, approving and adopting a Benefits Certificate for the City of Cedar Falls Employee Dental Plan.

Resolution #22,082, approving and adopting Summary Plan Descriptions for the City of Cedar Falls Health Benefit Plans.

Resolution #22,083, approving and authorizing execution of a Memorandum of Understanding with the City of Waterloo and Black Hawk County relative to the 2020-2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funding for the Tri-County Drug Enforcement Task Force.

Resolution #22,084, approving and authorizing execution of an extension of an Agreement for Custodial Services with Fresh Start Cleaning Solutions, Inc., relative to providing custodial services for city buildings from September 1, 2020 through August 31, 2021.

Resolution #22,085, approving the Certificate of Completion and accepting the work of Peters Construction Corporation for the Place to Play Playground Project.

Resolution #22,086, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with AutoZone Inc. relative to a post-construction stormwater management plan for 6130 University Avenue.

Resolution #22,087, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the 2018 Street Construction Project.

Resolution #22,088, approving the Certificate of Completion and accepting the work of Iowa Bridge & Culvert, LC for the 2017 Levee/Floodwall System Improvements Project.

Resolution #22,089, approving a Central Business District (CBD) Overlay Zoning District site plan for facade improvements at 212 ½ Main Street.

Resolution #22,090, approving a Central Business District (CBD) Overlay Zoning District site plan for facade improvements at 515 Main Street.

Resolution #22,091, approving an S-1 Shopping Center District site plan for installation of a permanent kiosk for online order pick-up service at 6301 University Avenue.

Resolution #22,092, receiving and filing, and setting September 8, 2020 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2020 Street Patching 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 #22,078 through #22,092 duly passed and adopted.

- 52949 - It was moved by deBuhr and seconded by Darrah that Resolution #22,093, approving the Mayor's nomination of Assistant Chief Craig Berte for appointment as Police Chief, be adopted. Following questions and comments by Councilmembers Sires, Harding, Miller and Dunn, Jim Skaine, 2215 Clay Street, Bob Manning, 2908 West 3rd Street, and Richard Congdon, Western Home Communities, and responses by Mayor Green and 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. Nay: Sires. Abstain: Dunn. Motion carried. The Mayor then declared Resolution #22,093 duly passed and adopted.
- 52950 - It was moved by Kruse and seconded by Miller that Resolution #22,094, receiving and filing, and approving and accepting the bid of Feldman Concrete, in the amount of \$38,899.20, being the only bid received for the 2020 Sidewalk Assessment Project - Zone 3, be adopted. Following a question by Jim Skaine, 2215 Clay Street, and 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: Miller, deBuhr, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,094 duly passed and adopted.
- 52951 - It was moved by Kruse and seconded by Miller that Resolution #22,095, approving and authorizing execution of a Contract for Economic Development Marketing Services with Brand Acceleration, Inc., be adopted. Following a comment by Jim Skaine, 2215 Clay Street, 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 Resolution #22,095 duly passed and adopted.
- 52952 - It was moved by Kruse and seconded by Miller that the bills and payroll of August 17, 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. Following a comment by Jim Skaine, 2215 Clay Street, 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.
- 52953 - It was moved by Kruse and seconded by Harding to refer to the Committee of the Whole moving forward with plans to reconstruct Washington Street as a one-way street, while incorporating safety features. Following questions and comments by Mayor Green and Councilmembers Kruse, Miller, deBuhr and Darrah, and responses by City Attorney Rogers, Public Works Director Schrage and City Administrator Gaines, the motion failed 3-4 with Councilmembers Miller, deBuhr, Darrah and Dunn voting Nay.

It was moved by Darrah and seconded by Miller to refer to the Committee of the Whole discussion of a facemask mandate comparable to Waterloo. Following comments by Mayor Green and City Clerk Danielsen, Councilmember Darrah withdrew his original motion. It was then moved by Councilmember Darrah and seconded by Miller to refer discussion of a facemask mandate to a Special Meeting of the City Council. Motion carried 5-2 with Councilmembers deBuhr and Kruse voting Nay.

It was moved by Harding and seconded by Darrah to refer to the Committee of the Whole a presentation by the Bicycle & Pedestrian Advisory Committee on what Cedar Falls can do to prepare for the 'Great American Rail Trail' event. Motion carried unanimously.

- 52954 - City Administrator Gaines and Finance and Business Operations Director Rodenbeck responded to a question by Councilmember Harding regarding an ordinance for motorized bicycles on trails.

Community Development Director Sheetz responded to a question by Councilmember Darrah regarding an update on the Downtown Visioning project.

Mayor Green, City Administrator Gaines and Finance and Business Operations Director Rodenbeck responded to questions by Councilmember Miller regarding electronic meeting timelines, alternate voting order and the compost facility fire.

- 52955 - Public Works Director Schrage announced that the City of Cedar Falls will be sending two crews to Cedar Rapids to assist with their traffic operation needs following the severe weather event.

Mayor Green provided information on how to get involved in the Cedar Rapids recovery efforts by contacting the Linn Area Partners Active in Disaster (LAPAID).

- 52956 - Rick Sharp, 1623 Birch Street, requested that Councilmembers indicate the reason when abstaining from a vote, and commented on the compost facility fire and censorship of social media posts.

Jim Skaine, 2215 Clay Street, spoke about the First Amendment and requested the term "germane" be removed from agendas.

- 52957 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 8:17 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk