

**CITY HALL  
CEDAR FALLS, IOWA, MARCH 1, 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, Kruse (via video conference at 7:01 P.M.), Harding, Darrah (via video conference), Sires, Dunn. Absent: deBuhr.

- 53227 - It was moved by Harding and seconded by Miller that the minutes of the Regular Meeting of February 15, 2021 be approved as presented and ordered of record. Motion carried unanimously. (Councilmember Kruse now present via video conference.)
- 53228 - The Mayor then asked if there were any agenda revisions. City Clerk Danielsen noted that agenda item 15 relating to the Council Work Session minutes would be corrected to reflect "Councilmember Dunn asked if there is a preference that you need to work or live in Cedar Falls and Mayor Green confirmed that is the preference."
- 53229 - Dr. Mark Nook, University of Northern Iowa President, 2501 College Street, spoke in support of extending the face mask mandate and requested the extension through June 4, 2021 or May 10, 2021.
- Jim Skaine, 2215 Clay Street, expressed his belief that the City Council agenda does not comply with Robert's Rules of Order.
- 53230 - Mayor Green read proclamations declaring March 2, 2021 as *Read Across America Day* (Library Director Stern commented), and March 8, 2021 as *International Women's Day*.
- 53231 - Mayor announced that in accordance with the public notice of February 19, 2021, this was the time and place for a public hearing on the proposed lease agreement with the Cedar Falls Municipal Band relative to the Overman Park Band Shell. It was then moved by Miller and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53232 - The Mayor then asked if there were any written communications filed to the proposed agreement. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Finance & Business Operations Director Rodenbeck provided a brief summary of the proposed lease agreement. There being no one else present wishing to speak about the proposed lease agreement, the Mayor declared the hearing closed and passed to the next order of business.
- 53233 - It was moved by Harding and seconded by Miller that Resolution #22,271,

approving and authorizing execution of a Lease Agreement with the Cedar Falls Municipal Band relative to the Overman Park Band Shell, 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, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,271 duly passed and adopted.

- 53234 - Mayor announced that in accordance with the public notice of February 19, 2021, this was the time and place for a public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to adaptive re-use of institutional buildings. It was then moved by Harding and seconded by Miller that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53235 - 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. Planner I Sevy provided a brief summary 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.
- 53236 - It was moved by Miller and seconded by Darrah that Ordinance #2987, amending Chapter 26, Zoning, of the Code of Ordinances relative to adaptive re-use of institutional buildings, be passed upon its first consideration. Following comments by Councilmembers Dunn, Sires, Miller and Harding, and responses by Planner I Sevy, Planning and Community Services Manager Howard and Attorney Rogers, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Kruse, Harding, Darrah, Dunn. Nay: Sires. Motion carried.
- 53237 - It was moved by Harding and seconded by Miller that Ordinance #2984, amending Chapter 6, Animals, of the Code of Ordinances relative to permitting poultry in residential areas, be passed upon its third and final 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, Kruse, Harding, Darrah, Dunn. Nay: Sires. Motion carried. The Mayor then declared Ordinance #2984 duly passed and adopted.
- 53238 - It was moved by Miller and seconded by Harding that Ordinance #2985, amending Chapter 6, Animals, of the Code of Ordinances relative to establishing regulations for rear yard poultry in residential areas, be passed upon its third and final 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, Kruse, Harding, Darrah, Dunn. Nay: Sires. Motion carried. The Mayor then declared Ordinance #2985 duly passed and adopted.
- 53239 - It was moved by Harding and seconded by Kruse that Ordinance #2983, amending Chapter 15, Nuisances, of the Code of Ordinances relative to keeping

poultry in residential areas, be passed upon its third and final 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, Kruse, Harding, Darrah, Dunn. Nay: Sires. Motion carried. The Mayor then declared Ordinance #2983 duly passed and adopted.

- 53240 - It was moved by Darrah and seconded by Miller that Resolution #22,272, extending the face mask mandate for the City of Cedar Falls, be adopted. It was then moved by Dunn and seconded by Darrah to amend the motion to extend the date through June 4, 2021. Following comments by Councilmembers Harding and Kruse, the motion to amend failed 2-4, with Miller, Kruse, Harding and Sires voting Nay. Following comments and questions by Councilmember Dunn, T.J. Frein, 1319 Austin Way, Rick Sharp, 1623 Birch Street, Andrew Morse, 1621 Franklin Street, and Dr. Mark Nook, University of Northern Iowa President, and a response by City Attorney Rogers, the Mayor put the question on the original motion, and upon call of the roll, the following named Councilmembers voted. Aye: Miller, Harding, Darrah, Dunn. Nay: Kruse, Sires. Motion carried. The Mayor then declared Resolution #22,272 duly passed and adopted.
- 53241 - It was moved by Harding and seconded by Miller that Resolution #22,273, authorizing city staff to approve or deny the application of Cedar Basin Music Festival for a Public Event Permit for June 25-27, 2021, pursuant to provisions of the Code of Ordinances, be adopted. Following questions by Councilmembers Miller, Sires, Kruse and Harding, and responses by City Administrator Gaines, Mayor Green and City Attorney Rogers, it was moved by Harding and seconded by Sires to amend the motion to "approve the application." Following questions and comments by Rick Sharp, 1623 Birch Street and Bob Seymour, 2710 Country Meadow Lane, and Councilmembers Harding and Dunn, the motion to amend carried 5-1, with Dunn voting Nay. Following questions and comments by Councilmembers Miller and Kruse, T.J. Frein, 1319 Austin Way, Rick Sharp, 1623 Birch Street, and Bob Seymour, 2710 Country Meadow Lane, and responses by Finance & Business Operations Director Rodenbeck 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, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,273 duly passed and adopted.
- 53242- Following a comment by Mayor Green and consensus among Councilmembers to use the same language as Resolution #22,273 to approve the application, it was moved by Harding and seconded by Miller that Resolution #22,274, approving the application of Live-to-9 for a Public Event Permit for June 25-26, 2021, pursuant to provisions of the Code of Ordinances, be adopted. Following questions and comments by Councilmembers Kruse, Sires, Dunn, Miller, Harding and Darrah, Rick Sharp, 1623 Birch Street, T.J. Frein, 1319 Austin Way, Bob Seymour, 2710 Country Meadow Lane, Kyle Henderson, 1008 Erik Road, and Kim Bear, Executive Director of Community Main Street, and a 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, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution

- #22,274 duly passed and adopted.
- 53243 - It was moved by Miller and seconded by Harding that the following items and recommendations on the Consent Calendar be received, filed and approved:
- Receive and file Mayor's Monthly Report for February 2021.
  - Receive and file a communication from the Mayor relative to establishing the Cedar Falls Racial Equity Task Force.
  - Receive and file the following resignations of members from Boards and Commissions:
    - a) Mary-Sue Bartlett, Art & Culture Board
    - b) Barbara Weeg, Board of Adjustment
  - Receive and file the Work Session minutes of the February 15, 2021 relative to the following item:
    - a) Joint Work Session with Human Rights Commission to discuss future roles, responsibilities and City Council expectations for the Human Rights Commission.
  - Receive and file the Committee of the Whole minutes of February 15, 2021 relative to the following item:
    - a) Request to extend suspension of paid parking in municipal lots.
  - Receive and file Departmental Monthly Reports of January, 2021.
  - Approve the following applications for beer permits and liquor licenses:
    - a) Pheasant Ridge Golf Course, 3205 West 12th Street, Class B beer & outdoor service - renewal.
    - b) College Square Cinema, 6301 University Avenue, Special Class C liquor – change in ownership.
    - c) Texas Roadhouse, 5715 University Avenue, Class C liquor – change in ownership.
  - Motion carried unanimously.
- 53244 - It was moved by Harding and seconded by Miller that the following resolutions be introduced and adopted:
- Resolution #22,275, levying a final assessment for costs incurred by the City to mow the property located at 234 Clark Drive.
  - Resolution #22,276, levying a final assessment for costs incurred by the City to mow the property located at 821 Madison Street.
  - Resolution #22,277, levying a final assessment for costs incurred by the City to mow the property located at 2303 Washington Street.
  - Resolution #22,278, extending the suspension of paid parking in municipal parking lots in the City of Cedar Falls.

Resolution #22,279, approving an amendment to the Deed of Dedication for McMahill First Addition, and ratifying and confirming approval of the final plat of McMahill First Addition.

Resolution #22,280, approving and authorizing execution of an Agreement with Emergent Architecture for design services relative to the City Hall Remodel Project.

Resolution #22,281, approving and authorizing execution of a Community Housing Development Organization (CHDO) Agreement with the City of Waterloo and Iowa Heartland Habitat for Humanity for the use of FY2021 Federal HOME Funds towards construction, acquisition and rehabilitation projects.

Resolution #22,282, approving a Central Business District (CBD) Overlay Zoning District site plan for construction of a restaurant and outdoor patio at 108 East 4th Street.

Resolution #22,283, approving an S-1 Shopping Center District site plan for a build-out and facade improvements at 6607 University Avenue.

Resolution #22,284, receiving and filing the bids, and approving and accepting the low bid of Municipal Pipe Tool Company, LLC, in the amount of \$198,189.80, for the 2021 Sanitary Sewer Rehabilitation Project.

Resolution #22,285, receiving and filing the bids, and approving and accepting the low bid of K. Cunningham Construction Company, Inc., in the amount of \$2,329,948.23, for the Downtown Streetscape and Reconstruction Project - Phase II.

Resolution #22,286, approving the Certificate of Completion and accepting the work of Feldman Concrete for the 2020 Sidewalk Assessment Project - Zone 3.

Resolution #22,287, approving the Final Statement of Expenditures for the 2020 Sidewalk Assessment Project - Zone 3.

Resolution #22,288, approving and authorizing execution of Supplemental Agreement No. 2 to the Professional Service Agreement with Terracon Consultants, Inc. to develop a work plan and site monitoring report relative to an Iowa Department of Natural Resources (DNR) Tier 2 Report, in conjunction with the West 1st Street Reconstruction Project.

Resolution #22,289, approving and authorizing execution of a Utilities Relocation and Easement Conveyance/Vacation Agreement with Qwest Corporation d/b/a CenturyLink QC relative to the Cedar Heights Drive Reconstruction Project.

Resolution #22,290, receiving and filing, and setting March 15, 2021 as the date of the public hearing, on the proposed plans, specifications, form of contract & estimate of cost for the 2021 Street Construction 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, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #22,275 through #22,290 duly passed and adopted.

- 53245 - It was moved by Miller and seconded by Harding that a resolution approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for a remodel to double the numbers of bedrooms at 704-706 West 28th Street (P&Z recommended denial), be adopted. Following questions and comments by Councilmembers Harding, Kruse, Miller, Sires, Darrah and Dunn, and Wes Geisler (petitioner), 5373 South Hudson Road, and responses by Planning and Community Services Manager Howard, the Mayor put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Sires. Nay: Miller, Darrah, Dunn. Motion failed.
- 53246 - It was moved by Miller and seconded by Kruse that Resolution #22,291, approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for construction of a driveway with landscaping improvements at 704-706 West 28th Street, as recommended by city staff, be adopted. Following a question by Councilmember Harding and response by Planning and 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, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,291 duly passed and adopted.
- 53247 - It was moved by Kruse and seconded by Harding that the bills and claims of March 1, 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, Kruse, Harding, Darrah, Sires, Dunn. Nay: None. Motion carried.
- 53248 - It was moved by Harding and seconded by Miller that the meeting be adjourned at 9:10 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk