

**CITY HALL  
CEDAR FALLS, IOWA, MAY 20, 2024  
REGULAR MEETING, CITY COUNCIL  
CHRIS LATTA, MAYOR PRO TEM, 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: Schultz, Latta, Kruse (via electronic), Hawbaker, Ganfield, Crisman, Dunn. Absent: None. Mayor Pro Tem Latta led the Pledge of Allegiance.

- 54768 - It was moved by Crisman and seconded by Hawbaker that the minutes of the Regular Meeting of May 6, 2024 be approved as presented and ordered of record. Motion carried unanimously.
- 54769 - The Mayor Pro Tem then asked if there were any agenda revisions. City Clerk Kerr noted that item #9 on the Consent Calendar was being removed from the agenda.
- 54770 - Carrie Sherwood, Dike, thanked Public Safety for the tributes and honor received after the passing of her husband Fire Captain Brad Sherwood. Sherwood also expressed concerns regarding health insurance.
- Kim Jensen Jordan, Cedar Falls, expressed concerns regarding the Sartori Hospital building.
- 54771 - Director of Community Development Sheetz announced the 2024 summer season for The Falls Aquatic Center from June 1 – August 18, 2024.
- 54772 - Mayor Pro Tem Latta announced that in accordance with the public notice of May 14, 2024, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2024 Seal Coat Project. It was then moved by Ganfield and seconded by Crisman that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54773 - The Mayor Pro Tem 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 Pro Tem then called for oral comments. City Engineer Wicke provided an update on the proposed project. Following questions by Councilmember Schultz, and responses by Wicke, the Mayor Pro Tem declared the hearing closed and passed to the next order of business.
- 54774 - It was moved by Crisman and seconded by Hawbaker that Resolution #23,626, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2024 Seal Coat Project, be adopted. Following due consideration by the Council, the Mayor Pro Tem put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion Carried. The Mayor Pro Tem then declared Resolution #23,626 duly passed and adopted.

- 54775 - Mayor Pro Tem Latta announced that in accordance with the public notice of May 14, 2024, this was the time and place for a public hearing on the proposed rezoning from M-1, Light Industrial District, to C-2, Commercial District, of properties located at 2300 Main Street, 2216 Main Street and 127 East 23rd Street. It was then moved by Ganfield and seconded by Schultz that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54776 - The Mayor Pro Tem 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 Pro Tem then called for oral comments. Planner III Pezley provided a summary of the proposed rezoning. Following a question by Councilmember Ganfield, and response by Pezley, the Mayor Pro Tem declared the hearing closed and passed to the next order of business.
- 54777 - Following a comment by Director of Community Development Sheetz regarding removing 2216 Main Street and 127 East 23<sup>rd</sup> Street from consideration, it was moved by Ganfield and seconded by Hawbaker that Ordinance #3059, amending the Zoning Map by removing real estate located at 2300 Main Street from M-1, Light Industrial District, to C-2, Commercial District, be passed upon its first consideration. Following a question by Councilmember Ganfield and response by Pezley, the Mayor Pro Tem put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54778 - Mayor Pro Tem Latta announced that in accordance with the public notice of May 14, 2024, this was the time and place for a public hearing on the proposed vacation of certain public right-of-way of an alley between Longview Street and Cedar Street. It was then moved by Schultz and seconded by Crisman that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54779 - The Mayor Pro Tem then asked if there were any written communications filed to the proposed vacation. Upon being advised that there were no written communications on file, the Mayor Pro Tem then called for oral comments. Planner III Pezley provided a summary of the proposed vacation. There being no one else present wishing to speak about the proposed vacation, the Mayor Pro Tem declared the hearing closed and passed to the next order of business.
- 54780 - It was moved by Dunn and seconded by Ganfield that Ordinance #3060, vacating certain public right-of-way of an alley between Longview Street and Cedar Street, be passed upon its first consideration. Following comments by Councilmembers Ganfield and Schultz, the Mayor Pro Tem put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54781 - Mayor Pro Tem Latta announced that in accordance with the public notice of May 14, 2024, this was the time and place for a public hearing on the proposed amendments to Chapter 1, General Provisions, of the Code of Ordinances relative to the general penalty for scheduled violations. It was then moved by Ganfield and seconded by Crisman that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 54782 - The Mayor Pro Tem 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 Pro Tem then called for oral comments. City Attorney Rogers provided a summary of the proposed amendments. There being no one else present wishing to speak about the proposed amendments, the Mayor Pro Tem declared the hearing closed and passed to the next order of business.
- 54783 - It was moved by Hawbaker and seconded by Dunn that Ordinance #3061, amending Chapter 1, General Provisions, of the Code of Ordinances relative to the general penalty for scheduled violations, be passed upon its first consideration. Following due consideration by the Council, the Mayor Pro Tem put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54784 - It was moved by Ganfield and seconded by Schultz that Ordinance #3058, amending Chapter 2, Administration, of the Code of Ordinances relative to Compensation, of Division 6, Utilities Board of Trustees, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor Pro Tem put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried. The Mayor Pro Tem then declared Ordinance #3058 duly passed and adopted.
- 54785 - It was moved by Ganfield and seconded by Schultz that the following items on the Consent Calendar be received, filed, and approved:

Receive and file the City Council Committee of the Whole meeting minutes of May 6, 2024 relative to the following items:

- a) Cedar Falls Economic Development Corporation Update.
- b) Council Conflict of Interest Form

Receive and file revised bylaws for the Tourism Board.

Approve an Order Accepting Acknowledgement/Settlement Agreement with Bani's, c/o Super Gill, Inc., 2128 College Street, for a first tobacco violation.

Approve the following applications for cigarette/tobacco/nicotine/vapor permits:

- a) Fareway #190 – 4500 South Main Street.
- b) Fareway #974 – 214 North Magnolia Drive.
- c) Five Corners Liquor and Wine – 809 East 18th Street.
- d) Hill Street News & Tobacco – 2217 College Street.
- e) Murphy USA #6970 – 518 Brandilynn Boulevard.

Approve the following applications for retail alcohol licenses:

- a) Suds, 2223 ½ College Street, Class C retail alcohol & outdoor service - renewal.
- b) CVS/Pharmacy, 2302 West 1st Street, Class E retail alcohol - renewal.
- c) Target, 214 Viking Plaza Drive, Class E retail alcohol - renewal.
- d) Cedar Basin Music Festival, Sturgis Park, Special Class C retail alcohol &

outdoor service - 5-day permit.

e) Sturgis Falls Celebration, Gateway Park, Special Class C retail alcohol & outdoor service - 5-day permit.

f) King Bucks, 6719 University Avenue, Class C retail alcohol - new.

Motion carried unanimously.

- 54786 - It was moved by Crisman and seconded by Schultz to approve the following recommendation of the Mayor Pro Tem relative to the appointment of members to Boards and Commissions:
- a) Stephanie Daniels, Human Rights Commission, term ending 07/01/2026.

Following comments by Councilmember Crisman, the motion carried unanimously.

- 54787 - It was moved by Ganfield and seconded by Schultz that the following resolutions be introduced and adopted:

Resolution #23,627, approving and authorizing execution of an Agreement with Kirk Gross Company relative to replacement of tables and chairs for the Community Center.

Resolution #23,628, approving and authorizing execution of a Memorandum of Understanding with the Teamsters Union, Local No. 238 (Public Safety) relative to pay adjustments.

Resolution #23,629, approving and authorizing execution of a Memorandum of Understanding with the Teamsters Union, Local No. 238 (Public Works) relative to pay adjustments.

Resolution #23,630, approving and authorizing execution of an Amendment to Temporary Encroachment Agreement with Structure Real Estate relative to TC mascots for Panthers on Parade project.

Resolution #23,631, approving a HWY-1, Highway Commercial Zoning District site plan for construction of a restaurant to be located at 1100 Brandilynn Boulevard.

Resolution #23,632, approving the West Fork Crossing First Addition Lot 25 and Lot 26 Minor Subdivision Plat, a replat of Lot 25 and Lot 26 of West Fork Crossing First Addition.

Resolution #23,633, approving and authorizing execution of six Owner Purchase Agreements; and approving and accepting five Temporary Construction Easements, two Storm Sewer and Drainage Easements, in conjunction with the North Cedar Heights Drive Phase 2 Project.

Resolution #23,634, approving the Certificate of Completion and accepting the work of Municipal Pipe Tool Company, LLC for the 2023 Sanitary Sewer Rehabilitation Project.

Resolution #23,635, approving the Certificate of Completion and accepting the work of K&W Electric, Inc. for the Hudson Road & West Ridgeway Avenue

Intersection Improvements Project, and approving and authorizing the transfer of funds from the Capital Projects - Private Contribution, Local Sales Tax and Street Construction Fund to the Tax Increment Financing Fund.

Resolution #23,636, receiving and filing, and approving and accepting the bid of Boulder Contracting, LLC in the amount of \$390,980.25, for the 2024 Alley Reconstruction Project.

Resolution #23,637, receiving and filing, and approving and accepting the bid of JQ Construction in the amount of \$146,051.58, for the 2024 Sidewalk Assessment Project – Zone 6.

Following due consideration by the Council, the Mayor Pro Tem put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried. The Mayor Pro Tem then declared Resolutions #23,627 through #23,637 duly passed and adopted.

- 54788 - It was moved by Dunn and seconded by Crisman that Resolution #23,638, approving and authorizing an Annual Conflict of Interest/Related Party Disclosure form for Elected Officials, be adopted. Following comments and questions by Councilmember Ganfield, and Bob Manning, Cedar Falls, and response by City Attorney Rogers, the Mayor Pro Tem put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Latta, Kruse, Hawbaker, Crisman, Dunn. Nay: Schultz, Ganfield. Motion carried. The Mayor Pro Tem then declared Resolution #23,638 duly passed and adopted.
- 54789 - It was moved by Dunn and seconded by Crisman that Ordinance #3062, amending Chapter 2, Administration, of the Code of Ordinances relative to approval of bills and claims against city, be passed upon its first consideration. Following due consideration by the Council, the Mayor Pro Tem put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54790 - It was moved by Ganfield and seconded by Crisman that Ordinance #3063, amending Chapter 5, Alcoholic and Malt Beverages, of the Code of Ordinances relative to location and operation – generally and Chapter 17, Parks and Recreation, of the Code of Ordinances relative to noxious weeds prohibited; exceptions, be passed upon its first consideration. Following comments by Kim Jensen Jordan, Cedar Falls, and questions and comments by Councilmembers Schultz and Dunn, and responses by City Attorney Rogers, the Mayor Pro Tem put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54791 - It was moved by Hawbaker and seconded by Crisman that Ordinance #3064, amending Chapter 10, Garbage and Refuse, of the Code of Ordinances relative to the use of city collection service, be passed upon its first consideration. Following due consideration by the Council, the Mayor Pro Tem put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.

- 54792 - It was moved by Ganfield and seconded by Hawbaker that Ordinance #3065, amending Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances relative to disorderly conduct – generally, be passed upon its first consideration. Following due consideration by the Council, the Mayor Pro Tem put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54793 - It was moved by Crisman and seconded by Dunn that Ordinance #3066, amending Chapter 18, Planning, of the Code of Ordinances relative to powers and duties, be passed upon its first consideration. Following comments and questions by Councilmember Ganfield, and response by City Attorney Rogers, the Mayor Pro Tem put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54794 - It was moved by Crisman and seconded by Dunn that Ordinance #3067, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to general passing, be passed upon its first consideration. Following comments by Councilmember Ganfield, the Mayor Pro Tem put the question on the motion, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54795 - It was moved by Ganfield and seconded by Hawbaker that the bills and claims of May 20, 2024 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: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54796 - It was moved by Kruse and seconded by Dunn that the meeting be adjourned at 7:43 P.M. Motion carried unanimously.

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Kim Kerr, CMC, City Clerk