

**CITY HALL
CEDAR FALLS, IOWA, APRIL 18, 2022
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 7:05 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None.

- 53764 - It was moved by Harding and seconded by Kruse that the minutes of the Regular Meeting of April 4, 2022 be approved as presented and ordered of record. Motion carried unanimously.

- 53765 - The Mayor then asked if there were any agenda revisions. City Clerk Danielsen noted that item #30 on the Resolution Calendar was being removed from the agenda.

- 53766 - Mayor Green read the following proclamations:

Proclamation recognizing April 27, 2022 as Administrative Professionals Day.

Proclamation recognizing April 29, 2022 as Arbor Day 150th Anniversary.

- 53767 - Roger White, 2303 Greenwood Avenue, commented on Earth Day and announced the annual Cedar Valley Trails Partnership Trail Clean-Up on Saturday, April 23, 2022.

- 53768 - Mayor Green announced that this was the time and place for a hearing on a proposed resolution adopting and levying the final schedule of assessments for the 2021 Sidewalk Assessment Project, Zone 4. City Engineer Wicke provided a brief summary of the sidewalk assessment process.

- 53769 - It was moved by Kruse and seconded by Ganfield that Resolution #22,732, adopting and levying the final schedule of assessments for the 2021 Sidewalk Assessment Project, Zone 4, 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: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion carried. The Mayor then declared Resolution #22,732 duly passed and adopted.

- 53770 - Mayor Green announced that in accordance with the public notice of April 8, 2022, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the West 27th Street Reconstruction Project. It was then moved by Kruse and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 53771 - The Mayor 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 then called for oral comments. City Engineer Wicke provided a brief summary of the proposed project. There being no one else present wishing to speak about the proposed project, the Mayor declared the hearing closed and passed to the next order of business.

- 53772 - It was moved by Kruse and seconded by Harding that Resolution #22,733, approving and adopting the plans, specifications, form of contract & estimate of cost for the West 27th Street Reconstruction Project, be adopted. Following questions and comments by Councilmembers Sires, deBuhr and Kruse, 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: Dunn, Schultz, Kruse, Harding, Ganfield. Nay: Sires, deBuhr. Motion Carried. The Mayor then declared Resolution #22,733 duly passed and adopted.
- 53773 - Mayor Green announced that in accordance with the public notice of April 8, 2022, this was the time and place for a public hearing on the proposed conveyance of interest in certain real estate to the Cedar Falls Community School District. It was then moved by Kruse and seconded by Dunn that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53774 - The Mayor then asked if there were any written communications filed to the proposed conveyance. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. City Attorney Rogers provided a brief summary of the proposed conveyance. There being no one else present wishing to speak about the proposed conveyance, the Mayor declared the hearing closed and passed to the next order of business.
- 53775 - It was moved by Kruse and seconded by Harding that Resolution #22,734, approving the conveyance of interest in certain real estate, and approving and authorizing execution of a Quit Claim Deed conveying title to the Cedar Falls Community School District, be adopted. Following a question by Councilmember deBuhr and response by City Attorney Rogers, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion Carried. The Mayor then declared Resolution #22,734 duly passed and adopted.
- 53776 - It was moved by Kruse and seconded by Ganfield that Resolution #22,735, approving and accepting a Quit Claim Deed, Permanent Drainage Easement and Stormwater Maintenance and Repair Agreement from the Cedar Falls Community School District, in conjunction with the McMahill First Addition, be adopted. City Attorney Rogers provided an explanation. Following a question by Councilmember Kruse, and responses by Rogers 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: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion Carried. The Mayor then declared Resolution #22,735 duly passed and adopted.

53777 - It was moved by Harding and seconded by Ganfield that Ordinance #3007, amending Chapter 7, Building and Building Regulations, of the Code of Ordinances relative to discharge of stormwater or groundwater into the city sanitary sewer system, be passed upon its third and final consideration. Following questions and comments by Councilmembers Sires, Kruse, Dunn, deBuhr and Ganfield, and Mayor Green, 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: Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: Sires. Motion carried. The Mayor then declared Ordinance #3007 duly passed and adopted.

53778 - It was moved by Kruse and seconded by deBuhr that Resolution #22,736, Resolution approving and adopting a Sanitary Sewer Cross Connection Policy relative to discharge of stormwater or groundwater into the city sanitary sewer system, be adopted. Following questions and comments by Councilmembers Sires, Harding, Schultz, Kruse and Dunn, and responses by Public Works Director Schrage and Finance & Business Operations Director Rodenbeck, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: Sires. Motion Carried. The Mayor then declared Resolution #22,736 duly passed and adopted.

53779 - It was moved by Kruse and seconded by Ganfield that the rules requiring Ordinance #3008 be considered at three separate meetings, be suspended. Following a question by Councilmember deBuhr and response by Community Development Director Sheetz, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion carried.

It was then moved by deBuhr and seconded by Ganfield that Ordinance #3008, amending Chapter 26, Zoning, of the Code of Ordinances relative to allowing daycares as principal permitted uses in the M-1 Light Industrial District, be passed upon its third & 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: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. The Mayor then declared Ordinance #3008 duly passed and adopted.

53780 - Following comments by Mayor Green, it was moved by Kruse and seconded by Harding that the rules requiring Ordinance #3009 be considered at three separate meetings, be suspended. Following a question by Councilmember deBuhr and response by Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion carried.

It was then moved by Kruse and seconded by Ganfield that Ordinance #3009, amending Chapter 11, Housing, of the Code of Ordinances relative to the Housing Commission, be passed upon its third & 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: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. The Mayor then declared Ordinance #3009 duly passed and adopted.

53781 - It was moved by Kruse and seconded by Harding that Ordinance #3010, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking for the College Hill Farmers Market, be passed upon its second 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: Ganfield, Sires, Dunn, Schultz, deBuhr, Kruse, Harding. Nay: None. Motion carried.

53782 - It was moved by Schultz and seconded by Kruse that the following items on the Consent Calendar be received, filed and approved:

Receive and file the report of the Mayor relative to the appointment of the Mayor Pro Tem as the Chair of the Committee of the Whole.

Receive and file the City Council Work Session minutes of April 4, 2022 relative to the following items:

a) Standing Committee Structure.

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

Receive and file the FY2021 Annual Report of the Cedar Falls Human Rights Commission.

Approve an Order Accepting Acknowledgment/Settlement Agreement with Up in Smoke, 2218 College Street, for a first tobacco violation

Approve the following applications for beer permits and liquor licenses:

a) Hatchlings & Hens, 109 Main Street, Class B Native wine permit – new.

b) Jorgensen Plaza (Table 1912, Diamond Event Center and Gilmore's Pub), 5307 Caraway Lane, Class C liquor & outdoor service – renewal.

c) Suds, 2223 ½ College Street, Class C liquor & outdoor service – renewal.

d) The Horny Toad American Bar & Grille, 204 Main Street, Class C liquor – renewal.

e) ZSAVOOZ, 206 Brandilynn Boulevard, Class C liquor & outdoor service – renewal.

f) Hy-Vee Clubroom, 6301 University Avenue, Special Class C liquor – renewal.

g) CVS/Pharmacy, 2302 West 1st Street, Class E liquor – renewal.

h) Whiskey Road Tavern & Grill, 402 Main Street, Class C liquor & outdoor service – expansion of sidewalk café.

Motion carried unanimously.

53783 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,737, approving and authorizing execution of a Rental Agreement with Upper Iowa University relative to meeting space for a joint meeting with Waterloo elected officials.

Resolution #22,738, approving and authorizing Amendment #2 to the Entitlement Community Development Block Grant COVID-19 Program Contract with the Iowa Economic Development Authority relative to Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,739, approving and authorizing execution of a Collaborative Program Agreement with the Cedar Falls Tiger Rugby Club relative to providing Youth Non-Contact Rugby, in conjunction with the summer recreational programs.

Resolution #22,740, approving and authorizing execution of Supplemental Agreement No. 4 to the Professional Service Agreement with Riverwise Engineering, LLC relative to design services for the Cedar River Recreational Improvement Project.

Resolution #22,741, approving and authorizing the expenditure of funds for the purchase of an automated spray patch unit for the Public Works Department.

Resolution #22,742, approving and authorizing execution of Supplemental Agreement No. 2 to the Professional Service Agreement with AECOM Technical Services, Inc. relative to 2022-2023 Survey Services.

Resolution #22,743, receiving and filing, and approving and accepting the bid of Aspro, Inc., in the amount of \$155,435.46, for the College Hill Parking Lot Improvements Project.

Resolution #22,744, receiving and filing, and rejecting the only bid received for the Oak Park Sanitary Sewer Repair Project

Resolution #22,745, receiving and filing, and setting May 2, 2022 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2022 Alley Reconstruction Project.

Resolution #22,746, setting May 2, 2022 as the date of public hearing on a proposal to undertake a public improvement project for the North Cedar Heights Area Reconstruction Project - Phase I, and to authorize acquisition of private property for said project.

Resolution #22,747, setting May 2, 2022 as the date of public hearing to consider adoption of a Public Record Request Policy.

Resolution #22,748, setting May 2, 2022 as the date of public hearing on proposed amendments to the City's FY2022 Budget.

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: Ganfield, Sires, Dunn, Schultz, deBuhr, Kruse, Harding. Nay: None. Motion carried. The Mayor then declared Resolutions #22,737 through #22,748 duly passed and adopted.

- 53784 - Following comments by Mayor Green, it was moved by Kruse and seconded by Harding to postpone consideration of a resolution approving and adopting amendments to Administrative Policy No. 7 relative to Standing Committees until the May 2, 2022 City Council Meeting. Motion carried unanimously.
- 53785 - It was moved by Ganfield and seconded by Harding that Resolution #22,749, approving and authorizing the suspension of enforcement of Section 17-246(a)(2), grass and weeds exceeding eight inches in height, of the Code of Ordinances during the month of May, 2022, in observance of No Mow May, a conservation initiative to support bee pollination, be adopted. UNI Tallgrass Prairie Center Plant Materials Program Manager Laura Walter provided a brief description of the initiative. Following questions and comments by Councilmembers Schultz, deBuhr and Harding, and responses by Walter and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Sires, Dunn, Schultz, Kruse, Harding, Ganfield. Nay: deBuhr. Motion Carried. The Mayor then declared Resolution #22,749 duly passed and adopted.
- 53786 - It was moved by Kruse and seconded by Ganfield that Resolution #22,750, approving and authorizing execution of a Collaborative Program Agreement with the Black Hawk Tennis Club relative to providing Youth Tennis Lessons, in conjunction with the summer recreational programs be adopted. Following a question by Councilmember Ganfield, and responses by Community Development Director Sheetz and City Attorney Rogers, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion Carried. The Mayor then declared Resolution #22,750 duly passed and adopted.
- 53787 - It was moved by Kruse and seconded by Ganfield that the bills and claims of April 18, 2022 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: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion carried.
- 53788 - It was moved by Harding and seconded by Dunn to refer to the Committee of the Whole a discussion on the Administrative Policy No. 7 details relative to Standing Committees. Following comments by Councilmembers Harding and Ganfield, the motion carried 6-1, with Ganfield voting Nay.
- 53789 - Councilmember Sires and Mayor Green expressed appreciation to Northern Iowa Student Government Liaison Zachary Zippe. Zippe spoke on his experience attending meetings and his work to make the position a priority for future student

government representatives.

Councilmember Harding noted he will be absent from the May 2, 2022 Committee of the Whole and City Council meetings.

Public Works Director Schrage responded to a comment by Councilmember Dunn regarding the City Wide cleanup event.

Attorney Rogers commented on the Mayor acting as Chair of the Committee of the Whole Meeting on May 2, 2022 in Councilmember Harding's absence.

Mayor Green commented on No Mow May and the remainder of April leading up to May.

53790 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 8:34 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk