

**CITY HALL
CEDAR FALLS, IOWA, DECEMBER 19, 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 7:00 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

- 54075 - It was moved by Kruse and seconded by Ganfield that the minutes of the Regular Meeting of December 5, 2022 be approved as presented and ordered of record. Motion carried unanimously.
- 54076 - The Salvation Army Major Martin Thies presented Mayor Green with the Battle of the Bells 2022 trophy.
- 54077 - Tamie Stahl, 1009 Lakeshore Drive, commented on “counterintelligence” tactics in government.
- 54078 - City Administrator Gaines announced Friday, December 23, Monday, December 26, and Monday, January 2, as city-observed holidays and noted City Council meetings in January will be held on Tuesday, January 3 and Tuesday, January 17.

Mayor Green provided an update on the Emergency Management Commission and the establishment of the Emergency Management Agency Levee by the county.

- 54079 - Mayor Green announced that in accordance with the public notice of December 9, 2022, this was the time and place for a public hearing on the proposed conveyance of city-owned real estate to Cedar Falls Utilities by means of a non-exclusive permanent easement for the relocation of utilities. 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.
- 54080 - The Mayor then asked if there were any written communications filed to the proposed proposal. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Civil Engineer Claypool provided a summary of the proposal. There being no one else present wishing to speak about the proposal, the Mayor declared the hearing closed and passed to the next order of business.
- 54081 - It was moved by Kruse and seconded by Schultz that Resolution #22,999, approving and authorizing conveyance of a non-exclusive permanent easement to Cedar Falls Utilities for the relocation of utilities, be adopted. Following a question by Councilmember Ganfield and response by Civil Engineer Claypool, 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, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #22,999 duly passed and adopted.

- 54082 - It was moved by Kruse and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

Receive and file the resignation of Eashaan Vajpeyi as a member of the Human Rights Commission.

Approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:

- a) Craig Fairbanks, Housing Commission, term ending 12/31/2024.
- b) Helen Pearce, Housing Commission, term ending 12/31/2024.
- c) Kevin Fittro, Board of Appeals, term ending 12/31/2025.
- d) Jason Huff, Board of Appeals, term ending 12/31/2025.
- e) Katy Susong, Board of Appeals, term ending 12/31/2026.
- f) Debra Waterman, Board of Appeals, term ending 12/31/2026.
- g) Ross Samek, Board of Appeals, term ending 12/31/2026.
- h) Rick Mott, Board of Electrical Appeals, term ending 12/31/2023.
- i) Rick Dumler, Board of Electrical Appeals, term ending 12/31/26.
- j) William Pierce, Board of Mechanical Appeals, term ending 12/31/2024.
- k) Steve Broell, Board of Mechanical Appeals, term ending 12/31/2026.
- l) Colin Frese, Board of Mechanical Appeals, term ending 12/31/2026.
- m) Andrew Tink, Board of Plumbing Appeals, term ending 12/31/2023.
- n) Travis Davison, Board of Plumbing Appeals, term ending 12/31/2026.

Receive and file the City Council Standing Committee minutes of December 5, 2022 relative to the following items:

- a) Grow Cedar Valley Update.
- b) Council Policy on Official City Proclamations.
- c) Council Policy on Public Awards and Recognition.
- d) Council Policy on Boards and Commissions Interviews.

Approve the following applications for retail alcohol licenses:

- a) Rancho Chico, 618 Brandilynn Boulevard, Class C retail alcohol - renewal.
- b) Wild Hare American Bar and Grill, 2512 Whitetail Drive, Class C retail alcohol & outdoor service - renewal.
- c) Golf Lab, 201 Washington Street, Special Class C retail alcohol - new.

Motion carried unanimously.

- 54083 - It was moved by Kruse and seconded by Harding to receive and file Mayoral veto of Ordinance #3021, amending Section 18-23(5), Powers and duties of the Planning and Zoning Commission, of the Code of Ordinances relative to removing 2/3 majority vote required by City Council to approve amendments to the City's comprehensive plan that are disapproved by the Planning and Zoning Commission, and Ordinance #3022, amending Chapter 26, Zoning, of the Code of Ordinances relative to removing the 2/3 majority vote required by City Council to approve zoning amendments that are disapproved by the Planning and Zoning

Commission. Following comments and questions by Councilmembers Sires, deBuhr, Harding and Kruse, Tamie Stahl, 1009 Lakeshore Drive, and Craig Fairbanks, 405 Spruce Hills Drive, who requested reconsideration of the veto, and responses by City Attorney Rogers and Mayor Green, the motion carried 6-1, with Sires voting Nay.

54084 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #23,000, approving and adopting CFD 1127: Council Policy - Official City Proclamations.

Resolution #23,001, approving and adopting CFD 1128: Council Policy - Public Awards and Recognition.

Resolution #23,002, approving and adopting Personnel Policy 223: Sexual Abuse Prevention, for the City of Cedar Falls.

Resolution #23,003, approving and adopting Personnel Policy 608: Concussion and Head Injury, for the City of Cedar Falls.

Resolution #22,004, levying a final assessment for costs incurred by the City to mow the property located at 2722 College Street.

Resolution #23,005, levying a final assessment for costs incurred by the City to mow the property located at 2804 College Street.

Resolution #23,006, levying a final assessment for costs incurred by the City to mow the property located at 2208 Coventry Lane.

Resolution #22,007, approving and authorizing execution of an amended Master Service Agreement and Statement of Work with Municode, LLC, subsidiary of CivicPlus, LLC, relative to City code supplementation.

Resolution #22,008, approving and authorizing execution of an Agreement with Elise Bovy with Northeast Iowa Area Agency on Aging relative to providing Tai Chi classes at the Recreation Center.

Resolution #23,009, approving and authorizing execution of an Assignment and Assumption Agreement between Orion Cedar Falls IA, LLC and Reel Deal Holdings, LLC, pursuant to the terms of the Agreement for Private Development with Ryan Companies US, Inc. relative to the transfer of ownership of property located at 1100 Technology Parkway.

Resolution #23,010, approving and authorizing execution of a Contract with Family Management Financial Solutions relative to Community Development Block Grant (CDBG) funding for service agencies.

Resolution #23,011, approving and authorizing execution of a Contract with The Salvation Army relative to Community Development Block Grant (CDBG) funding for service agencies.

Resolution #23,012, approving and authorizing execution of Amendment Number Three to the Subaward Agreement with the Iowa Department of Homeland Security and Emergency Management Division (HSEMD) for an extension of the Voluntary Property Acquisition Program funded through the Hazard Mitigation Grant Program relative to the Northern Cedar Falls Flood Buyout.

Resolution #23,013, approving the Certificate of Completion and accepting the work of Blacktop Service Company for the 2022 Seal Coat Project, and approving and authorizing the transfer of funds from the Street Construction Fund to the Street Repair Fund.

Resolution #23,014, setting January 3, 2023 as date of public hearing on the proposed FY2023-FY2028 Capital Improvements Program (CIP).

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: Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield, Sires. Nay: None. Motion carried. The Mayor then declared Resolutions #23,000 through #23,014 duly passed and adopted.

- 54085 - It was moved by Kruse and seconded by Harding that Resolution #23,015, approving and adopting amendments to Personnel Policy 903: Grievance Procedure, for the City of Cedar Falls, be adopted. Following comments and questions by Councilmembers Dunn, Sires, deBuhr and Ganfield, 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: Schultz, deBuhr, Kruse, Ganfield, Sires. Nay: Dunn, Harding. Motion Carried. The Mayor then declared Resolution #23,015 duly passed and adopted.
- 54086 - It was moved by Harding and seconded by Dunn that Resolution #23,016, receiving and filing, and approving and accepting the bid of Peterson Contractors Inc., in the amount of \$29,997,049.50, being the only bid received for the Main Street Reconstruction Project, be adopted. Following comments and questions by Councilmembers Sires, Harding, Schultz, deBuhr, Dunn, Kruse and Ganfield, Mayor Green, Craig Fairbanks, 405 Spruce Hills Drive (opposes), and Roger White, 2308 Greenwood Avenue (supports), 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, Harding. Nay: Kruse, Ganfield, Sires. Motion Carried. The Mayor then declared Resolution #23,016 duly passed and adopted.
- 54087 - It was moved by Harding and seconded by Dunn that Resolution #23,017, receiving and filing the bids, and approving and accepting the bid of Peterson Contractors, Inc., in the amount of \$6,279,130.00, being the lowest bid received for the Cedar River Recreational River Area and Riverbank Improvements Project, be adopted. Following comments and questions by Councilmembers Dunn, Harding, Schultz, Kruse, deBuhr, Ganfield and Sires, Mayor Green, and Craig Fairbanks, 405 Spruce Hills Drive, and responses by Public Works Director Schrage, City Administrator Gaines, Community Development Director Sheetz, Mayor Green, and City Attorney Rogers, 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, Sires. Nay: Ganfield. Motion Carried. The Mayor then declared Resolution #23,017 duly passed and adopted.

- 54088 - It was moved by Harding and seconded by Dunn that Resolution #23,018, approving and accepting the contract and bond of Peterson Contractors, Inc. for the Cedar River Recreational River Area and Riverbank Improvements Project, 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: Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield, Sires. Nay: None. Motion Carried. The Mayor then declared Resolution #23,018 duly passed and adopted.
- 54089 - It was moved by Harding and seconded by Schultz that the bills and claims of December 19, 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: Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield, Sires. Nay: None. Motion carried.
- 54090 - It was moved by deBuhr and seconded by Ganfield to include repass over the Mayor's vetoes on the January 3, 2023 City Council meeting agenda. Motion carried 5-2, with Dunn and Harding voting Nay.
- 54091 - It was moved by Kruse and seconded by Harding to adjourn to Executive Session discuss Legal Matters per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. Upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield, Sires. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 9:13 P.M.

Mayor Green reconvened the Council meeting at 10:24 P.M.

- 54092 - It was moved by Dunn and seconded by Sires that the meeting be adjourned at 10:25 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk