

**CITY HALL
CEDAR FALLS, IOWA, MARCH 6, 2023
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 7:08 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

- 54175 - It was moved by Kruse and seconded by Ganfield that the minutes of the Regular Meeting of February 20, 2023 be approved as presented and ordered of record. Motion carried unanimously.
- 54176 - Mayor Green requested that item #8 on the Consent Calendar be moved up to special presentations on the agenda.
- 54177 - It was moved by Ganfield and seconded by Harding to approve a proclamation recognizing March 2023 as Women's History month. Motion carried unanimously. Human Rights Commissioner Julie Kliegl accepted and spoke about an event on March 28, at the Public Library celebrating women's history.
- 54178 - Rosemary Beach, 5018 Sage Road, commented on the need for and requested additional public restrooms downtown.
- T.J. Frein, 1319 Austin Way, suggested the city invest in a consultant for newly elected officials.
- 54179 - Community Development Director Sheetz commented on a Career Fair on Saturday, April 15, 2023 from 10AM – 2PM at the Public Works Complex.
- 54180 - Mayor announced that this was the time and place for a hearing on the proposed condemnation of property located at 2208 Coventry Lane. Building Official Castle provided a brief summary of the nuisance property. Following comments by homeowner Ruth Walker, 2208 Coventry Lane, the Mayor declared the hearing closed and passed to the next order of business.
- 54181- Following a request by Mayor Green that the item be split into two separate motions, it was moved by Harding and seconded by Dunn that Resolution #23,077, declaring the property located at 2208 Coventry Lane to be a nuisance due to being structurally unsafe, a fire hazard, or otherwise dangerous to human life and health, 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,077 duly passed and adopted.
- 54182 - It was moved by Dunn and seconded by Harding that Resolution #23,078,

- ordering abatement of said nuisance by removal, repair or demolition of said property and requiring the owner of said property to abate said nuisance or submit a viable plan by March 20, 2023, be adopted. Following questions and comments by Councilmembers deBuhr, Kruse, Sires, Ganfield, Harding and Dunn, and responses by Building Official Castle, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,078 duly passed and adopted.
- 54183 - Mayor Green announced that in accordance with the public notice of February 24, 2023, this was the time and place for a public hearing on a proposal to enter into an Agreement for Private Development, and to consider conveyance of certain city-owned real estate to McDonald Construction & Remodeling, LLC. It was then moved by Kruse and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54184 - The Mayor then asked if there were any written communications filed to the proposal. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham provided a brief 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.
- 54185 - It was moved by Kruse and seconded by Harding that Resolution #23,079, approving and authorizing execution of an Agreement for Private Development, and approving and authorizing execution of a Quit Claim Deed conveying certain city-owned real estate to McDonald Construction & Remodeling, LLC, 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,079 duly passed and adopted.
- 54186 - Mayor Green announced that in accordance with the public notice of February 24, 2023, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2023 Sanitary Sewer Rehabilitation Project. It was then moved by Kruse and seconded by Schultz that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54187 - 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 project, the Mayor declared the hearing closed and passed to the next order of business.
- 54188 - It was moved by Ganfield and seconded by Kruse that Resolution #23,080,

approving and adopting the plans, specifications, form of contract & estimate of cost for the 2023 Sanitary Sewer Rehabilitation Project, be adopted. Following questions and comments by Councilmembers Sires, Kruse, Ganfield and Schultz, 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,080 duly passed and adopted.

- 54189 - Mayor Green announced that in accordance with the public notice of February 24, 2023, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2023 Street Construction Project. It was then moved by Kruse and seconded by Ganfield that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54190 - 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. Principal Engineer Claypool provided a brief summary of the proposed project. There being no one else present wishing to speak about the project, the Mayor declared the hearing closed and passed to the next order of business.
- 54191 - It was moved by Ganfield and seconded by Harding that Resolution #23,081, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2023 Street Construction Project, be adopted. Following a question by Councilmember Ganfield and response by Principal Engineer Claypool, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,081 duly passed and adopted.
- 54192 - Mayor Green announced that in accordance with the public notice of February 24, 2023, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the North Cedar Heights Area Reconstruction Project - Phase I. 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.
- 54193 - 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 project, the Mayor declared the hearing closed and passed to the next order of business.
- 54194 - It was moved by deBuhr and seconded by Harding that Resolution #23,082, approving and adopting the plans, specifications, form of contract & estimate of cost for the North Cedar Heights Area Reconstruction Project - Phase I, 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,082 duly passed and adopted.

- 54195 - It was moved by Schultz and seconded by deBuhr that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Standing Committee minutes of February 20, 2023 relative to the following items:

- a) City Council Email System Discussion.
- b) Committee to draft request for proposal (RFP) for assessment of the Public Safety Department.

Receive and file the following resignation of members from Boards and Commissions:

- a) Melissa Heston, Human Rights Commission.

Receive and file Departmental Monthly Reports of January 2023.

Approve the application of Robert Schmitz, d/b/a Cedar Valley Bin Cleaning (Bennington Fields, LLC), for a Mobile Merchant license.

Approve an Order Accepting Acknowledgment/Settlement Agreement with Cedar Star, Inc., d/b/a Bani's, 2128 College Street, for a second tobacco violation.

Approve the application of Bani's, 2128 College Street, for a cigarette/tobacco/nicotine/vapor permit - change in ownership.

Approve the following applications for retail alcohol licenses:

- a) Hatchlings & Hens, 109 Main Street, Special Class B retail native wine – renewal.
- b) Deringer's Public Parlor, 314 ½ Main Street, Class C retail alcohol – renewal.
- c) The Stuffed Olive and Roxxy, 314-316 Main Street, Class C retail alcohol & outdoor service - renewal.
- d) Hillstreet News & Tobacco, 2217 College Street, Class E retail alcohol - renewal.
- e) Bani's, 2128 College Street, Class E retail alcohol – new – change in ownership.

Motion carried unanimously.

- 54196 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #23,083, approving and authorizing execution of an Apple Device Enrollment Program Facilitation Agreement with USCC Distribution Co. LLC, relative to mobile device management.

Resolution #23,084, approving and authorizing execution of a First Amendment

to Agreement for Private Development and Memorandum of Agreement Regarding Minimum Improvements with McWing, L.L.C.

Resolution #23,085, approving and authorizing execution of a Lease relative to a property vacated by flood buyout programs.

Resolution #23,086, approving and authorizing expenditure of funds to repair a pump at the 17th Street Lift Station.

Resolution #23,087, approving and accepting the contract and bond of Peterson Contractors, Inc. for the Oak Park Boulevard Sanitary Sewer Replacement Project.

Resolution #23,088, approving and accepting the contract and bond of K&W Electric, Inc. for the Hudson Road & West Ridgeway Avenue Intersection Improvements Project.

Resolution #23,089, approving and accepting two Warranty Deeds, in conjunction with the Main Street Reconstruction Project.

Resolution #23,090, approving and authorizing execution of twenty Owner Purchase Agreements; and approving and accepting twenty Temporary Construction Easements, four Storm Sewer and Drainage Easements, and one Permanent Water Main Easement, in conjunction with the North Cedar Heights Area Reconstruction Project.

Resolution #23,091, setting March 20, 2023 as the date of public hearing on the maximum levy rate.

Resolution #23,092, setting March 20, 2023 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to Planning & Zoning Commission review of site plans in the Downtown Character District (CD-DT).

Resolution #23,093, setting March 20, 2023 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to eliminating the shared parking requirement in the Downtown Charter District (CD-DT).

Resolution #23,094, setting March 20, 2023 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to increasing residential parking requirements in the Downtown Charter District (CD-DT) to one parking space per bedroom.

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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #23,083 through #23,094 duly passed and adopted.

54197 - It was moved by Kruse and seconded by deBuhr that the bills and claims of

March 6, 2023 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, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

- 54198 - It was moved by Harding and seconded by Dunn to refer to the Public Works Committee discussion regarding the Cedar River dam and future options for the dam. Following comments by Councilmembers Dunn, Sires, Schultz and Kruse, and responses by City Administrator Gaines, the motion carried unanimously.
- 54199 - It was moved by Schultz and seconded by Harding that the meeting be adjourned at 8:05 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk