

**COMMUNITY CENTER  
CEDAR FALLS, IOWA, OCTOBER 17, 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 (via video conference), Kruse, Harding, Ganfield, Sires, Dunn. Absent: deBuhr. Altrusa International Group Vice President Amy Jardon led the Pledge of Allegiance.

- 54000 - It was moved by Ganfield and seconded by Harding that the minutes of the Regular Meeting of October 3, 2022, and the Special Meeting of September 26, 2022, be approved as presented and ordered of record. Motion carried unanimously.
- 54001 - Mayor Green read the following proclamations:
- Proclamation recognizing October 19, 2022 as Gentleman Day.
- Proclamation recognizing October 22, 2022 as Altrusa Make A Difference Day. Altrusa Group Vice President Amy Jardon accepted and commented.
- 54002 - Sheree Martinez, 1124 Main Street, commented on notices for temporary easements for Main Street Reconstruction project, expressing concerns with the language in the temporary easement agreement.
- WayPoint Domestic Violence Victim Advocate Rachel expressed appreciation for the Gentleman Day proclamation and commented on services WayPoint provides.
- 54003 - City Administrator Gaines announced the return to Council Chambers in City Hall for the November 7, 2022, City Council Meeting.
- 54004 - Mayor Green announced that in accordance with the public notice of October 7, 2022, this was the time and place for a public hearing on proposed amendments to Section 18-23(5) and Section 26-4(c) of the Code of Ordinances relative to the voting threshold required to override the Planning and Zoning Commission. It was then moved by Ganfield and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54005 - 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. Community Development Director Sheetz 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.
- 54006 - It was moved by Sires and seconded by Kruse to pass an ordinance 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, upon its first consideration. It was then moved by Kruse and seconded by Harding to postpone consideration until the November 7, 2022 City Council meeting. Following comments by Councilmembers Kruse and Harding, the motion to postpone carried unanimously.

- 54007 - It was moved by Kruse and seconded by Harding to pass an ordinance 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, upon its first consideration. It was then moved by Harding and seconded by Kruse to postpone consideration until the November 7, 2022 City Council meeting. The motion to postpone carried unanimously.
- 54008 - It was moved by Ganfield and seconded by Harding that Ordinance #3018, amending Chapter 24, Utilities, of the Code of Ordinances relative to establishing the 27th Street Sanitary Sewer Extension District, 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: Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. Motion carried.
- 54009 - It was moved by Ganfield and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Standing Committee minutes of October 3, 2022 relative to the following items.

a) Review of Fireworks Ordinance.

Receive and file the resignation of LeaAnn Saul as a member of the Planning & Zoning Commission.

Receive and file a communication from the Civil Service Commission relative to the certified list for the position of Horticulturist in the Public Works Department.

Receive and file the FY2022 Annual Report of the Cedar Falls Human Rights Commission.

Approve the application of Great Wall China, 2125 College Street, Suite D, for a cigarette/tobacco/nicotine/vapor permit.

Approve the following applications for beer permits and liquor licenses:

a) Hilton Garden Inn, 7213 Nordic Drive, Class B liquor, Class B native wine & outdoor service - renewal.

b) Fareway Store, 4500 South Main Street, Class E liquor – renewal.

c) Great Wall of China, 2125 College Street, Class C beer & Class B wine - new.

Motion carried unanimously.

- 54010 - It was moved by Dunn and seconded by Harding to approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:
- a) Brad Leeper, Planning & Zoning Commission, term ending 11/01/2027.
  - b) Oksana Grybovych Hafermann, Planning & Zoning Commission, term ending 11/01/2027.

Following comments by Councilmember Kruse, the motion carried 5-1, with Kruse voting Nay.

- 54011 - It was moved by Harding and seconded by Kruse that the following resolutions be introduced and adopted:

Resolution #22,933, approving and adopting amendments to certain Personnel Policies for the City of Cedar Falls.

Resolution #22,934, approving and adopting the rate of \$3.89 per \$1,000 taxable value for the Downtown Cedar Falls Self-Supported Municipal Improvement District (SSMID) for FY24.

Resolution #22,935, approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for relocation of a garage to 1214 West 20th Street.

Resolution #22,936, approving and accepting four Warranty Deeds, one Release of Real Estate Mortgage, and four Flood Mitigation Deed Restrictions, in conjunction with the Northern Cedar Falls Flood Buyout Program.

Resolution #22,937, approving and authorizing execution of a Demolition Project Contract with Lehman Trucking & Excavating Inc., in conjunction with the Northern Cedar Falls Flood Buyout Program.

Resolution #22,938, approving and authorizing execution of one Owner Purchase Agreement; and approving and accepting one Temporary Construction Easement, in conjunction with the Main Street Reconstruction (6th Street to University) Project.

Resolution #22,939, receiving and filing, and setting November 7, 2022 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Main Street Reconstruction Project.

Resolution #22,940, receiving and filing, and setting November 7, 2022 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Cedar River Recreational Improvements Project.

Resolution #22,941, setting November 7, 2022 as the date of public hearing on a proposal to vacate a portion of sanitary sewer easement located at 3718 Apollo Lane.

Resolution #22,942, setting November 7, 2022 as the date of public hearing on the City's FFY21 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Programs.

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: Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. Motion carried. The Mayor then declared Resolutions #22,933 through #22,942 duly passed and adopted.

- 54012 - It was moved by Harding and seconded by Ganfield that a resolution setting November 7, 2022 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 and increasing residential parking requirements in the Downtown Character District (CD-DT) to one parking space per bedroom, be adopted. It was then moved by Kruse and seconded by Sires to postpone consideration of hearing until the 2/3 majority vote issue is resolved. Motion carried unanimously.
- 54013 - It was moved by Ganfield and seconded by Harding that Ordinance #3019, amending Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances relative to use of consumer fireworks within the City limits, be passed upon its first consideration. It was then moved by Harding and seconded by Kruse to amend the motion to change the date from "December 31" to "between January 1 and March 1 each year to apply to the same calendar year". Following questions and comments by Councilmembers Kruse, Ganfield and Harding, and response by Public Safety Director Berte, the motion carried 5-1, with Ganfield voting Nay. It was then moved by Ganfield and seconded by Kruse to change "an additional day" to "any additional days". Following comments by Councilmembers Dunn, Kruse and Ganfield, and responses by City Attorney Rogers and Mayor Green, the motion carried 5-1, with Dunn voting Nay. The Mayor then put the question on the original motion, as amended, and upon call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. Motion carried.
- 54014 - It was moved by Kruse and seconded by Harding that the bills and claims of October 17, 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: Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. Motion carried.
- 54015 - It was moved by Dunn and seconded by Harding to refer to the Finance and Business Operations Committee options for reimplementing a paid parking system in the downtown area. Following comments by Councilmembers Harding, Dunn and Kruse, the motion carried 5-1, with Sires voting Nay.
- 54016 - Councilmember Sires wished his granddaughter a Happy Birthday.
- 54017 - It was moved by Kruse and seconded by Ganfield that the meeting be adjourned at 8:03 P.M. Motion carried unanimously.