

**COMMUNITY CENTER
CEDAR FALLS, IOWA, SEPTEMBER 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. University of Northern Iowa student Lyndsey Hubbell led the Pledge of Allegiance.

53968 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of September 6, 2022 be approved as presented and ordered of record. Motion carried unanimously.

53969 - Mayor Green read the following proclamations:

Proclamation recognizing October 2022 as Breast Cancer Awareness Month. Fire Chief Bostwick provided a brief summary of the Pink Patch Project fundraiser benefitting the Beyond Pink Team.

Proclamation recognizing October 3-8, 2022 as Earth Science Week. BMC Aggregates Geologist Sherm Lundy and University of Northern Iowa students Laura Speese and Lyndsey Hubbell commented and provided details on "Sunday at the Quarry" in Raymond Iowa on October 2 from 10AM - 4PM.

53970 - Public Safety Director Berte responded to Mike Dufel, 5326 Fjord Drive, regarding the Orchard Hill Drive fire. Mr. Dufel also requested a third-party audit of the Public Safety Program.

Whitney Smith, 2207 Hawthorne Drive, also commented on the Orchard Hill Drive fire and requested a third-party audit.

53971 - Councilmember Ganfield and Mayor Green commented on a social media post regarding a recent vehicle accident and determined that the information in the post was inaccurate and that Public Safety Officers on the scene did a fine job.

53972 - Mayor Green announced that this was the time and place for a hearing on a complaint issued to Zainab LLC, d/b/a Up in Smoke, 2218 College Street, for a second tobacco violation. Assistant City Attorney Anderson provided background for the tobacco complaint. There being no one present wishing to speak on behalf of Zainab LLC, d/b/a Up in Smoke, the Mayor declared the hearing closed and passed to the next order of business.

It was moved by deBuhr and seconded by Harding to approve and authorize execution of an Order Assessing Penalty relative to a Second Tobacco Violation regarding Up in Smoke, 2218 College Street. Following questions and comments by Councilmembers Ganfield and Kruse, and responses by Assistant City Attorney Anderson, the motion carried unanimously.

53973 - It was moved by Kruse and seconded by Ganfield that Ordinance #3016, amending Chapter 2, Administration, of the Code of Ordinances relative to adoption of revised City Council Meeting Procedures, 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

53974 - It was moved by Harding and seconded by Kruse that Ordinance #3017, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking on portions of Utility Parkway, 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

53975 - 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 Beverly Michael as a member of the Health Trust Board.

Approve the following applications for beer permits and liquor licenses:

- a) Murphy USA, 518 Brandilynn Boulevard, Class C beer & Class B wine-renewal.
- b) Escapology Cedar Falls, 2518 Melrose Drive, Special Class C liquor - renewal.
- c) Holiday Inn & Suites Hotel/Event Center, 7400 Hudson Road, Class B liquor & outdoor service - renewal.
- d) The Ragged Edge Art Bar & Gallery, 504 Bluff Street, Class C liquor & outdoor service – renewal.
- e) Fareway Store, 214 North Magnolia Drive, Class E liquor - renewal.
- f) Fast Track Racing, 200 block West 2nd Street, Class B beer & outdoor service – change in ownership.

Motion carried unanimously.

53976 - It was moved by deBuhr and seconded by Harding to receive and file the City Council Standing Committee minutes of September 6, 2022 relative to the following items:

- a) Hearst 2.0.
- b) Destination Iowa Grant Update.
- c) Orchard Hill Drive Fire Response.

Following comments by Mayor Green, the motion carried unanimously.

53977 - It was moved by Harding and seconded by Ganfield to approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:

- a) Donna Mallin, Human Rights Commission, term ending 07/01/2023.
- b) Julie Kliegl, Human Rights Commission, term ending 07/01/2023.

- c) Robert Wright, Human Rights Commission, term ending 07/01/2024.
- d) Anne Bonsall Hoekstra, Art & Culture Board, term ending 07/01/2026.
- e) Toni Wilson Wood, Art & Culture Board, term ending 07/01/2026.
- f) Brooke Croshier-Sidebotham, Visitors & Tourism Board, term ending 07/01/2025.
- g) Amy Dutton, Visitors & Tourism Board, term ending 07/01/2025.
- h) Doug Johnson, Visitors & Tourism Board, term ending 07/01/2025.
- i) James Langel, Parks & Recreation Commission, term ending 06/30/2025.

Following comments and questions by Councilmember Kruse, and responses by Mayor Green, the motion carried unanimously.

53978 - It was moved by Ganfield and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,917, approving the recommendation for the reappointment of the Acting Police Chief.

Resolution #22,918, approving and authorizing execution of an Agreement for Animal Services with the Cedar Bend Humane Society for October 1, 2022-June 30, 2027.

Resolution #22,919, approving an Application for Tax Abatement under the College Hill Urban Revitalization Plan for residential building improvements located at 1803 College Street.

Resolution #22,920, approving an Application for Tax Abatement under the College Hill Urban Revitalization Plan for residential building improvements located at 1809 College Street.

Resolution #22,921, approving and authorizing execution of a Service/Product Agreement with Ostby Dance relative to providing Ballroom Dance classes.

Resolution #22,922, approving and authorizing submission of an Iowa Tourism Grant application for Cedar Falls Pocket Guides and Information Kiosks.

Resolution #22,923, approving and authorizing submission of a Destination Iowa grant application and designating the Mayor as the official representative of the City relative to the Cedar Valley River Experience Project.

Resolution #22,924, granting the Iowa Economic Development certain financial assurances for the Cedar Falls match portion of the Destination Iowa Grant request relative to the Cedar Valley River Experience Project.

Resolution #22,925, approving and accepting the contract and bond of Iowa Flatworks, Inc. for the 2022 Sidewalk Assessment Project – Zone 5.

Resolution #22,926, approving the Certificate of Completion and accepting the work of Pirc-Tobin Construction, Inc. for the West 27th Street Sanitary Sewer Extension Project.

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 #22,917 through #22,926 duly passed and adopted.

- 53979 - It was moved by Harding and seconded by Dunn that a resolution approving and authorizing submission of a Railroad Crossing Elimination (RCE) Grant application to the Federal Railroad Administration; and approving and authorizing the local match relative to abandoning and removing the Cedar Falls Rail Spur, be adopted. Following questions and comments by Councilmembers Sires, deBuhr, Schultz, Kruse, Mayor Green, and Duane Hamilton, 1911 Victory Drive, and responses by Cedar Falls Utilities General Manager Steve Bernard, City Administrator Gaines and Iowa Northern Railway Company General Manager Bill Magee, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Dunn. Nay: Schultz, deBuhr, Ganfield, Sires. Motion failed.
- 53980 - It was moved by Kruse and seconded by Harding that the bills and claims of September 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.
- 53981 - Mayor Green responded to a comment by Councilmember Kruse regarding changing the order of Council Referrals and Council Updates and Announcements.
- 53982 - It was moved by Ganfield and seconded by Harding to adjourn to Executive Session to discuss Property Acquisition per Iowa Code Section 21.5(1)(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property; and for discussion of the City Administrator's performance pursuant to Iowa Code Section 21.5(1)(i) and City Code Section 2-217. Upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 8:00 P.M.

Mayor Green reconvened the Council meeting at 8:52 P.M.

- 53983 - It was moved by Ganfield and seconded by Harding that the meeting be adjourned at 8:53 P.M. Motion carried unanimously.