

**COMMUNITY CENTER
CEDAR FALLS, IOWA, SEPTEMBER 6, 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 7:08 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Daughters of the American Revolution (DAR) representative Barb Gregerson led the Pledge of Allegiance.

53952 - It was moved by Ganfield and seconded by Kruse that the minutes of the Regular Meeting of August 15, 2022 be approved as presented and ordered of record. Motion carried unanimously.

53953 - City Clerk Danielsen announced that item #7 on the Consent Calendar was being removed from the agenda.

53954 - Mayor Green read the following proclamations:

Proclamation recognizing September 17-23, 2022 as Constitution Week. DAR representative Barb Gregerson accepted and commented.

Proclamation recognizing September 19-25, 2022 as National Rail Safety Week.

53955 - Rosemary Beach, 5018 Sage Road, requested an update on public restrooms downtown.

David LaMarche, 4024 Briarwood Drive, Parade of Homes Chairman, announced the annual Parade of Homes on September 15-18, 2022.

53956 - City Administrator Gaines responded to a question by Rosemary Beach that a discussion on public restrooms was referred to an upcoming Committee meeting.

Mayor Green announced ARTapalooza this Saturday from 9 AM – 4PM downtown.

City Administrator Gaines and Mayor Green recognized Library employee Renee Lewis for her 40 years with the city.

53957 - It was moved by Ganfield and seconded by Kruse that Ordinance #3015, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to electric vehicle (EV) charging parking spaces, be passed upon its third and 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Dunn. Nay: Sires. Motion carried. The Mayor then declared Ordinance #3015 duly passed and adopted.

- 53958 - 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 Administration Committee minutes of August 10, 2022 relative to an appeal hearing of a dangerous animal.

Receive and file the City Council Standing Committee minutes of August 15, 2022 relative to the following items:

- a) Fireworks follow-up.
- b) Downtown public parking structure.
- c) Safety Improvements - 6th & State to 6th & Main.
- d) Clarification of Private Shared Parking Requirements Referral to Planning & Zoning Commission.

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

Receive and file Departmental Monthly Reports of July 2022.

Approve an Order Accepting Acknowledgment/Settlement Agreement with Daffodils, Inc., d/b/a Buzz Smoke & Vapor, 2125 College Street, for a first tobacco violation.

Approve the following applications for beer permits and liquor licenses:

- a) Aldi Inc., 315 Brandilynn Boulevard, Class C beer & Class B wine - renewal.
- b) Fleet Farm, 400 West Ridgeway Avenue, Class C beer & Class B wine - renewal.
- c) Fleet Farm Fuel, 108 West Ridgeway Avenue, Class C beer & Class B wine - renewal.
- d) Hampton Inn & Suites, 101 West 1st Street, Class C beer & Class B wine - renewal.
- e) Metro Mart, 103 Franklin Street, Class C beer - renewal.
- f) SingleSpeed Brewing Co., 128 Main Street, Class C liquor, Special Class A beer & outdoor service - renewal.
- g) Wilbo, 118 Main Street, Class C liquor - renewal.
- h) Casey's General Store, 1225 Fountains Way, Class E liquor - renewal.
- i) River Place Plaza, 200 East 2nd Street – Plaza, Special Class C liquor & outdoor service – temporary expansion of outdoor service area. (September 16 & September 29-30, 2022)
- j) Fleet Farm, 400 West Ridgeway Avenue, Class C beer & Class B wine – change in ownership.
- k) Fleet Farm Fuel, 108 West Ridgeway Avenue, Class C beer & Class B wine – change in ownership.
- l) Casey's General Store, 1225 Fountains Way, Class E liquor – change in ownership.

Motion carried unanimously.

- 53959 - It was moved by Harding and seconded by Kruse that the following resolutions be introduced and adopted:

Resolution #22,904, approving and authorizing execution of a Wellness Program Services Agreement with TMA @ Your Service, LLC (d/b/a "Wellworks For You") relative to a platform for the city's employee wellness program.

Resolution #22,905, approving and authorizing execution of a Red House Studio Lease relative to the use of 224 West Seerley Boulevard as artist studio space, in conjunction with the Hearst Center's Visiting Artist Program.

Resolution #22,906, approving and authorizing execution of a Cultural Leadership Partners Program Operating Support Grant with the Iowa Department of Cultural Affairs relative to Hearst Center Cultural Programs and Operational Expenses.

Resolution #22,907, approving and authorizing execution of three Agreements for Lease of Artwork relative to the Main Street Bridge Murals Project.

Resolution #22,908, approving and authorizing execution of a Agreement for Rotary Plaza with The Rotary Club of Cedar Falls relative to construction of a plaza, monument and recreational trail to be located at 205-221 West 1st Street.

Resolution #22,909, approving and accepting a Lien Notice and Special Promissory Note for property located at 1910 Tremont Street relative to the Rental to Single Family Owner Conversion Incentive Program.

Resolution #22,910, approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for construction of a new duplex at 1224 West 20th Street.

Resolution #22,911, approving and accepting a Purchaser's Affidavit and Warranty Deed, in conjunction with the Olive Street Box Culvert Project.

Resolution #22,912, approving and authorizing execution of an Agreement for a Surface Transportation Block Grant (STBG) Program Federal-aid SWAP Project with the Iowa Department of Transportation relative to the Main Street Reconstruction Project - 6th Street to University Avenue.

Resolution #22,913, approving and authorizing execution of two Vacancy Agreements, in conjunction with the Main Street Reconstruction Project - 6th Street to University Avenue.

Resolution #22,914, approving and authorizing execution of fourteen Owner Purchase Agreements, seven Tenant Purchase Agreements and one Driveway Approach Agreement; and approving and accepting ten Temporary Construction Easements and seven Tenant Temporary Construction Easements, in conjunction with the Main Street Reconstruction Project - 6th Street to University Avenue.

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 #22,904 through #22,914 duly passed and adopted.

- 53960- It was moved by Dunn and seconded by Harding that Resolution #22,915, approving and authorizing the transfer of funds from the General Fund to the Capital Projects Fund, Health Insurance Fund, and Rec Capital Fund relative to the fiscal year ending June 30, 2022, be adopted. Following questions and comments by Councilmember Sires, Harding, deBuhr, Schultz and Ganfield, and responses by Finance & Business Operations Director Rodenbeck, Mayor Green and City Administrator Gaines, 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, Dunn. Nay: Sires. Motion Carried. The Mayor then declared Resolution #22,915 duly passed and adopted.
- 53961- It was moved by Harding and seconded by Ganfield that Resolution #22,916, receiving and filing the bids, and approving and accepting the bid of Iowa Flatworks, Inc., in the amount of \$49,143.69, being the lowest bid received for the 2022 Sidewalk Assessment Project - Zone 5, be adopted. Following a comment by Councilmember Schultz, 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 #22,916 duly passed and adopted.
- 53962 - It was moved by Dunn and seconded by Harding that a resolution setting September 19, 2022 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), be adopted. It was then moved by Kruse and seconded by deBuhr to postpone consideration until a determination regarding requirement of a super majority vote to overrule Planning & Zoning decision is made. Following questions and comments by Councilmember Harding and response by City Attorney Rogers, the motion to postpone carried 5-2, with Harding and Dunn voting Nay.
- 53963 - It was moved by Ganfield and seconded by Harding 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 first consideration. Mayor Green provided a brief explanation of the proposed amendments. Following questions by Councilmember Ganfield, and responses by Mayor Green, it was moved by Ganfield and seconded by Sires to amend the motion to remove Section 2-69 from the document. Following questions and comments by Councilmembers Harding, Kruse and Ganfield, and responses by City Attorney Rogers and Mayor Green, the motion to amend carried unanimously. The Mayor then put the question on the original motion, as amended, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: Sires. Motion carried.
- 53964 - It was moved by Kruse and seconded by Harding 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 first consideration. City Engineer Wicke provided a brief explanation of the proposed parking restrictions. Following due consideration by the Council, the Mayor 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.

53965 - It was moved by Ganfield and seconded by Kruse that the bills and claims of September 6, 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.

53966 - Community Development Director Sheetz responded to questions by Councilmembers Kruse and Schultz regarding Planning & Zoning review of site plans.

Public Works Director Schrage responded to a question by Councilmember Ganfield regarding repairs at The Little Red Schoolhouse

City Administrator Gaines gave an update on Place to Play Park concerns. Mayor Green and Councilmember Kruse also commented.

53967 - It was moved by Kruse and seconded by Ganfield that the meeting be adjourned at 8:03 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk