

**CITY HALL  
CEDAR FALLS, IOWA, MAY 2, 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, Ganfield, Sires, Dunn. Absent: Harding.

53791 - It was moved by Kruse and seconded by Ganfield that the minutes of the Regular Meeting of April 18, 2022 be approved as presented and ordered of record. Motion carried unanimously.

53792 - Mayor Green read the following proclamations:

Proclamation recognizing May 1-7, 2022 as National Travel and Tourism Week. Tourism and Cultural Programs Manager Jennifer Pickar commented.

Proclamation recognizing May 1-7, 2022 as Professional Municipal Clerks Week. City Clerk Jacque Danielsen accepted.

Proclamation recognizing May 5, 2022 as National Astronaut Day.

Proclamation recognizing May 14, 2022 as World Migratory Bird Day. North Cedar Neighborhood Association Representative Lorene Wellnitz commented.

Proclamation recognizing May 15-21, 2022 as National Police Week and May 15, 2022 as Peace Officers Memorial Day. Acting Police Chief Howard commented on the Black Hawk County Peace Officers Memorial Service being Held on May 17, 2022.

Proclamation recognizing May 2022 as Neurofibromatosis Awareness Month and May 17, 2022 as World Neurofibromatosis Awareness Day.

Proclamation recognizing May 2022 as National Bike Month, May 16-22, 2022 as Bike to Work Week, and May 18, 2022 as Ride of Silence Day in Cedar Falls. Bicycle and Pedestrian Advisory Committee Chair Andrew Shroll commented on upcoming events.

Proclamation recognizing May 2022 as Historic Preservation Month. Rosemary Beach commented.

53793 - Rosemary Beach, 5018 Sage Road, commented on the importance of Historic Preservation and requested the UNI Seerley House be saved and turned into a Visitors Center.

53794 - Mayor Green announced that in accordance with the public notice of April 22, 2022, this was the time and place for a public hearing on a proposed Public Record Requests Policy. It was then moved by Dunn and seconded by deBuhr

that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 53795 - The Mayor then asked if there were any written communications filed to the proposed policy. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. City Clerk Danielsen provided a brief summary of the proposed policy. There being no one else present wishing to speak about the proposed policy, the Mayor declared the hearing closed and passed to the next order of business.
- 53796 - It was moved by Kruse and seconded by Dunn that Resolution #22,751, approving and adopting Administrative Policy No. 5 relative to the City's Public Record Requests Policy, be adopted. Following questions by Councilmembers Sires and deBuhr, and responses by City Clerk Danielsen 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, Ganfield. Nay: Sires. Motion Carried. The Mayor then declared Resolution #22,751 duly passed and adopted.
- 53797 - Mayor Green announced that in accordance with the public notice of April 20, 2022, this was the time and place for a public hearing on proposed amendments to the City's FY2022 Budget. 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.
- 53798 - 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. Controller/City Treasurer Roeding 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.
- 53799 - It was moved by Kruse and seconded by deBuhr that Resolution #22,752, approving and adopting amendments to the City's FY2022 Budget, 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, Ganfield, Sires. Nay: None. Motion Carried. The Mayor then declared Resolution #22,752 duly passed and adopted.
- 53800 - Mayor Green announced that in accordance with the public notice of April 22, 2022, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2022 Alley Reconstruction 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.
- 53801 - 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 proposed project, the Mayor declared the hearing closed and passed to the next order of business.

- 53802 - It was moved by Ganfield and seconded by Kruse that Resolution #22,753, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2022 Alley Reconstruction Project, be adopted. Following questions and comments by Councilmembers Sires, Kruse, Schultz, Dunn and Ganfield, and responses by City Engineer Wicke, Mayor Green and 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, Kruse, Ganfield. Nay: Sires. Motion Carried. The Mayor then declared Resolution #22,753 duly passed and adopted.
- 53803 - Mayor Green announced that in accordance with the public notice of April 22, 2022, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the North Cedar Heights Area Reconstruction Project - Phase I, and to authorize acquisition of private property for said project. 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.
- 53804 - The Mayor then asked if there were any written communications filed to the proposed public improvement and acquisitions. 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 public improvement and acquisitions. There being no one else present wishing to speak about the proposed public improvement and acquisitions, the Mayor declared the hearing closed and passed to the next order of business.
- 53805 - It was moved by Kruse and seconded by deBuhr that Resolution #22,754, approving a public improvement project for the North Cedar Heights Area Reconstruction Project - Phase I, and authorizing acquisition of private property for said 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, Ganfield, Sires. Nay: None. Motion Carried. The Mayor then declared Resolution #22,754 duly passed and adopted.
- 53806 - It was moved by Kruse and seconded by Dunn that Ordinance #3010, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking for the College Hill Farmers Market, 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: Dunn, Schultz, deBuhr, Kruse, Ganfield, Sires. Nay: None. Motion carried. The Mayor then declared Ordinance #3010 duly passed and adopted.

53807 - It was moved by Kruse and seconded by Dunn that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Committee of the Whole minutes of April 18, 2022 relative to the following items:

- a) Human Rights Commission Annual Report.
- b) Bicycle Plan Update.
- c) Public Safety Model Study – Funding Sources.

Receive and file communications from the Civil Service Commission relative to the following certified lists:

- a) Engineering Technician II.
- b) Land Surveyor.

Receive and file Departmental Monthly Reports of March 2022.

Receive and file the Bi-Annual Report of College Hill Partnership relative to FY22 Self-Supported Municipal Improvement District (SSMID) funds and an FY22 Economic Development Grant.

Receive and file the Bi-Annual Report of Community Main Street relative to FY22 Self-Supported Municipal Improvement District (SSMID) funds and an FY22 Economic Development Grant.

Approve the following applications for cigarette/tobacco/nicotine/vapor permits:

- a) Casey's, 2425 Center Street.
- b) Casey's, 5226 University Avenue.
- c) Casey's, 5908 Nordic Drive.
- d) Casey's, 601 Main Street.
- e) Casey's, 1225 Fountains Way.
- f) Five Corner Liquor & Wine, 809 E 18th Street.
- g) Hill Street News & Tobacco, 2217 College Street.
- h) Prime Mart 4, 2323 Main Street.
- i) The Landmark, 107 Main Street.
- j) Thunder Ridge Ampride, 2425 Whitetail Drive.
- k) Up In Smoke, 2218 College Street.

Approve the following applications for beer permits and liquor licenses:

- a) Holiday Inn Express & Suites, 1614 Technology Parkway, Class C beer - renewal.
- b) Double Tap, 312 Main Street, Class C liquor - renewal.
- c) Voodoo Lounge, 401 Main Street, Class C liquor - renewal.
- d) Casey's General Store, 2425 Center Street, Class E liquor - renewal.
- e) Walgreens, 2509 Whitetail Drive, Class E liquor - renewal.
- f) Casey's General Store, 2425 Center Street, Class E liquor – change in ownership.
- g) Live to 9, 200 Block of State Street and 100 Block of East 2nd Street including adjacent sidewalks, Class B beer & outdoor service – seven 5 day permits (May 31-June 4, June 7-11, June 14-18, July 5-9, July 12-16, July 19-23, and July 26-30).

h) Dior's Slushee & Bar LLC, 2211 College Street, Class C liquor – new.

Motion carried unanimously.

53808 - It was moved by Kruse and seconded by Dunn that the following resolutions be introduced and adopted:

Resolution #22,755, approving and adopting amendments to Administrative Policy No. 7 relative to standing committees.

Resolution #22,756, approving and accepting the permanent transfer of \$2,700,000.00 from the Municipal Electric Utility to the General Fund of the City of Cedar Falls, and \$30,000.00 from the Municipal Communications Utility to the Economic Development Fund of the City of Cedar Falls.

Resolution #22,757, levying a final assessment for costs incurred by the City to remove snow and ice from the sidewalks abutting the property located at 1404 Clay Street.

Resolution #22,758, levying a final assessment for costs incurred by the City to remove snow and ice from the sidewalks abutting the property located at 603 Fireside Drive.

Resolution #22,759, levying a final assessment for costs incurred by the City to cleanup/remove debris from the property located at 2012 State Street.

Resolution #22,760, levying a final assessment for costs incurred by the City to remove snow and ice from the sidewalks abutting the property located at 1022 West 22nd Street.

Resolution #22,761, levying a final assessment for costs incurred by the City to remove snow and ice from the sidewalks abutting the property located at 1612 West 1st Street.

Resolution #22,762, approving and authorizing execution of a Lease relative to properties vacated by flood buyout programs.

Resolution #22,763, approving and authorizing execution of an amended Service/Product Agreement with the Iowa Northland Regional Council of Governments (INRCOG) for project delivery relative to Community Development Block Grant (CDBG-CV2) funding from the CARES Act.

Resolution #22,764, approving and authorizing execution of an Amendment and Restated Developmental Procedures Agreement with Craig Industries, Inc., relative to property located in the vicinity of Independence Street and Lincoln Street.

Resolution #22,765, approving and authorizing the expenditure of funds for the purchase of playground equipment for Bess Streeter Aldrich Park.

Resolution #22,766, approving and authorizing execution of a contract with Quality Striping, Inc. relative to 2022 pavement marking services.

Resolution #22,767, receiving and filing the bids, and approving and accepting the low bid of Peterson Contractors, Inc., in the amount of \$7,584,450.61, for the West 27th Street Reconstruction Project.

Resolution #22,768, approving and authorizing execution of one Owner Purchase Agreement, and approving and accepting one Public Utility Easement, in conjunction with the 2022 Alley Reconstruction Project.

Resolution #22,769, approving and authorizing execution of a Surface Transportation Block Grant (STBG) Programming Agreement with the Black Hawk County Metropolitan Planning Organization (MPO) relative to the Union Road Reconstruction Project.

Resolution #22,770, approving and authorizing execution of an Agreement for Traffic Safety Improvement Program (TSIP) Funding with the Iowa Department of Transportation (IDOT) relative to the Main Street Reconstruction 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: Dunn, Schultz, deBuhr, Kruse, Ganfield, Sires. Nay: None. Motion carried. The Mayor then declared Resolutions #22,755 through #22,770 duly passed and adopted.

- 53809 - It was moved by deBuhr and seconded by Kruse that Resolution #22,771, approving and authorizing Amendment to Loan and Disbursement Agreement by and between the City of Cedar Falls and the Iowa Finance Authority, and authorizing and providing for the reissuance of the \$4,720,000 Sewer Revenue Capital Loan Note, Series 2022 (2011 - Rate Reset), be adopted. Following questions by Councilmember Sires, and responses by Finance & Business Operations Director Rodenbeck, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Schultz, deBuhr, Kruse, Ganfield, Sires. Nay: None. Motion Carried. The Mayor then declared Resolution #22,771 duly passed and adopted.
- 53810 - It was moved by Dunn and seconded by Ganfield that Ordinance #3011, amending Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances relative to the use and explosion of consumer fireworks within the city limits, be passed upon its first consideration. City Attorney Rogers provided a brief summary of the proposed ordinance and responded to questions by Mayor Green and Councilmember Ganfield. Following opposing comments by Tim Houts, 2128 Pleasant Drive and Roger White, 2303 Greenwood Avenue, and supportive comments by Rick Sharp, 1623 Birch Street, questions and comments by Councilmembers deBuhr, Dunn, Kruse, Schultz and Ganfield, and responses by Mayor Green, Acting Police Chief Howard, City Attorney Rogers, Acting Public Safety Director Berte, and Community Development Director Sheetz, it was moved by Kruse and seconded by deBuhr to amend the motion to limit the use of fireworks to July 4<sup>th</sup> only. Following questions and comments by Councilmembers Dunn, deBuhr, Ganfield, Kruse and Schultz, and Rick Sharp, and responses by Howard, Berte and Mayor Green, the motion failed 2-4, with Dunn, Schultz, Ganfield and Sires voting Nay. Following questions and comments by

Councilmember Kruse and responses by Rogers, it was moved by Kruse and seconded by Schultz to amend the motion to end fireworks at 10 PM all three nights. Following comments by Ganfield and Sires, the motion failed 2-4, with Dunn, Schultz, Ganfield and Sires voting Nay. The Mayor then put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Dunn, Schultz, Kruse, Ganfield, Sires. Nay: deBuhr. Motion carried.

53811 - It was moved by Kruse and seconded by Dunn that the bills and claims of May 2, 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, Ganfield, Sires. Nay: None. Motion carried.

53812 - Councilmember Sires announced the North Cedar Food Bank being open May 3<sup>rd</sup> from noon to 2 pm, and Mayor Green responded to his request for clarification on "No Mow May."

Councilmember deBuhr announced that due to weather conditions, the half-price yard waste collection has been extended thru May.

Community Development Director Sheetz responded to a question by Councilmember Kruse regarding referral status of remote parking and P&Z review.

53813 - Mayor Green expressed appreciation to staff and citizens for a very successful City-wide cleanup. He also congratulated Dylan Scharnau on being sworn-in as a new Public Safety Officer.

53814 - It was moved by Kruse and seconded by Dunn that the meeting be adjourned at 9:20 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk