

**CITY HALL
CEDAR FALLS, IOWA, DECEMBER 5, 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. Mayor Green led the Pledge of Allegiance.

- 54059 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of November 21, 2022 be approved as presented and ordered of record. Motion carried unanimously.

- 54060 - Rick Sharp, 1623 Birch Street, commented on Council Goal Setting, opposing TIF for the mall and additional funding for the CFHS pool, and supporting funding for a public safety study.

- 54061 - It was moved by Harding to reconsider action taken relative to a resolution 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 CF Storage, L.L.C. The motion failed for lack of a second.

- 54062 - It was moved by Ganfield and seconded by Kruse that Ordinance #3020, 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 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: Sires, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: Dunn. Motion carried. The Mayor then declared Ordinance #3020 duly passed and adopted.

- 54063 - It was moved by Kruse and seconded by Harding that Ordinance #3021, 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, 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: Sires, deBuhr, Kruse, Ganfield. Nay: Dunn, Schultz, Harding. Motion carried. The Mayor then declared Ordinance #3021 duly passed. Mayor announced his intention to veto the ordinance.

- 54064 - It was moved by Ganfield and seconded by Harding that Ordinance #3022, 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, 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: Sires, deBuhr, Kruse, Ganfield. Nay: Dunn, Schultz, Harding. Motion carried. The Mayor then declared Ordinance #3022 duly passed. Mayor announced his intention to veto the ordinance.

- 54065 - 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 resignation of Mary Carlson as a member of the Visitors & Tourism Board.

Approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:

- a) Jim O'Loughlin, Historic Preservation Commission, term ending 03/31/2025.
- b) Lindi Roelofse, Historic Preservation Commission, term ending 03/31/2025.

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

- a) Diversity, Equity, and Inclusion Specialist.
- b) Engineering Technician I.

Receive and file Departmental Monthly Reports of October 2022.

Approve the following applications for beer permits and liquor licenses:

- a) Cedar Falls Family Restaurant, 2627 Center Street, Class B beer - renewal.
- b) Cedar Falls Woman's Club, 304 Clay Street, Special Class C retail alcohol - renewal.
- c) Lifestyle Inn, 5826 University Avenue, Class C retail alcohol - renewal.
- d) Sharky's Fun House, 2223 College Street, Class C retail alcohol & outdoor service - renewal.
- e) Hy-Vee Fast and Fresh, 6527 University Avenue, Class C beer & Class B wine – change in ownership.
- f) Hansen's Dairy, 123 East 18th Street, Class B retail alcohol - new.

Motion carried unanimously.

- 54066 - It was moved by Harding and seconded by Ganfield to receive and file a communication from the Mayor relative to the appointment of Noah Hackbart as Student Liaison, term ending 04/30/2023. Mr. Hackbart introduced himself, commented and announced that Northern Iowa Student Government meetings are held on Tuesdays at 6 PM. Following a question by the Northern Iowan Executive Editor Nixson Benitez, and responses by Councilmember Dunn, Mr. Hackbart and Mayor Green, the motion carried unanimously.

- 54067 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,985, approving and authorizing execution of an Agreement with The Greg Prothman Company to perform recruitment services relative to the

position of Principal Engineer.

Resolution #22,986, approving and authorizing execution of an Agreement with IFC Studios relative to the Cedar Falls Public Library Branding Project.

Resolution #22,987, approving and authorizing execution of a Subaward Agreement with the Iowa Department of Homeland Security and Emergency Management Division (HSEMD) for Building Resilient Infrastructure and Communities (BRIC) Program grant funding relative to Stormwater Resilience Planning.

Resolution #22,988, approving and authorizing execution of an Agreement with Iowa Northland Regional Council of Governments (INRCOG) for grant administration services of an Iowa Department of Homeland Security and Emergency Management Division (HSEMD) Building Resilient Infrastructure and Communities (BRIC) Program grant relative to Stormwater Resilience Planning.

Resolution #22,989, approving and authorizing execution of two Vacancy Agreements, in conjunction with the Main Street Reconstruction Project.

Resolution #22,990, approving the Certificate of Completion and accepting the work of Boulder Contracting, LLC for the 2021 Street Patching Project.

Resolution#22,991, approving and authorizing execution of a Contracted Education Proposal with Black Hawk County Conservation (BHCC) thru a partnership with Hartman Reserve Nature Center to provide public outreach and educational programs relative to improving water quality for the period of July 1, 2023 - June 30, 2026.

Resolution #22,992, approving and authorizing execution of an Amended and Substituted Storm Water Maintenance and Repair Agreement with Tooth Trio, LLC relative to a post-construction stormwater management plan for 9219 University Avenue.

Resolution #22,993, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with Community United Child Care Centers (CUCCC) relative to a post-construction stormwater management plan for 5109 Nordic Drive.

Resolution #22,994, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with D & D Midwest Investments, L.L.C. relative to a post-construction stormwater management plan for 5630 Westminster Drive.

Resolution #22,995, setting December 19, 2022 as the date of public hearing on a proposal to grant city-owned real estate to Cedar Falls Utilities by means of a non-exclusive permanent easement for the relocation of utilities.

Resolution #22,996, determining the necessity, and setting December 13, 2022 as the date of consultation and January 3, 2023 as the date of public hearing on a proposed Southwest Cedar Falls Urban Renewal Plan for a proposed urban

renewal area.

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: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion carried. The Mayor then declared Resolutions #22,985 through #22,996 duly passed and adopted.

- 54068 - It was moved by Dunn and seconded by deBuhr that Resolution #22,997, approving and adopting amendments to Personnel Policy 809: Disciplinary Procedures, for the City of Cedar Falls, be adopted. Following comments and questions by Councilmembers Ganfield and Harding, and Rick Sharp, 1623 Birch Street, and responses by Human Resources Manager Schindel, 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: Dunn, Schultz, deBuhr, Kruse, Harding. Nay: Sires, Ganfield. Motion Carried. The Mayor then declared Resolution #22,997 duly passed and adopted.
- 54069 - It was moved by Ganfield and seconded by Harding that a resolution approving and adopting amendments to Personnel Policy 903: Grievance Procedure, for the City of Cedar Falls, be adopted. Following comments and questions by Councilmembers Ganfield, Harding, deBuhr, Sires, Kruse and Schultz, and Rick Sharp, 1623 Birch Street, and responses by City Attorney Rogers and Mayor Green, it was moved by Ganfield and seconded by Kruse to amend the motion to replace City Administrator with Finance and Business Operations Committee in Section 4(d) and restore closed session in 4(f). Following comments by Councilmembers Ganfield, Harding, Dunn, deBuhr, Schultz and Kruse, and Rick Sharp, 1623 Birch Street, and responses by Mayor Green and City Attorney Rogers, the motion carried 5-2, with Dunn and Harding voting Nay. Following comments by City Attorney Rogers, it was moved by Kruse and seconded by deBuhr to postpone consideration of the amended policy until the December 19, 2022 City Council meeting. Motion carried unanimously.
- 54070 - It was moved by Kruse and seconded by Harding that Resolution #22,998, approving and adopting a Recreation Fee Schedule to become effective January 1, 2023, be adopted. Following comments and questions by Councilmembers Schultz, Dunn, Ganfield, deBuhr, Kruse, Sires and Harding, Parks & Recreation Commissioner Erik Blanchard, 2009 Four Winds Drive, and Rick Sharp, 1623 Birch Street, and responses by Recreation and Community Programs Manager Soppe, Mayor Green and Public Safety Director Berte, it was moved by Ganfield and seconded by Sires to postpone discussion until the December 19, 2022 City Council meeting to include additional information with a family pass at a discounted rate. Following a comment by Community Development Director Sheetz, the motion failed 3-4, with Dunn, deBuhr, Kruse and Harding 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, deBuhr, Kruse, Harding. Nay: Sires, Schultz, Ganfield. Motion Carried. The Mayor then declared Resolution #22,998 duly passed and adopted.

- 54071 - It was moved by Kruse and seconded by Harding that the bills and claims of December 5, 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: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion carried.
- 54072 - It was moved by Kruse and seconded by deBuhr to refer to the Committee of the Whole consideration of an ordinance regarding longevity of members on boards and commissions. Following questions and comments by Councilmembers Kruse, deBuhr and Harding, and responses by City Attorney Rogers and Mayor Green, the motion carried 5-2, with Harding and Dunn voting Nay.
- 54073 - It was moved by Ganfield and seconded by Harding to adjourn to Executive Session to discuss confidential records per Iowa Code Section 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential. Upon call of the roll, the following named Councilmembers voted. Aye: Sires, Dunn, Schultz, deBuhr, Kruse, Harding, Ganfield. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 8:56 P.M.

Mayor Green reconvened the Council meeting at 10:24 P.M.

- 54074 - It was moved by Kruse and seconded by deBuhr that the meeting be adjourned at 10:25 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk