

**CITY HALL
CEDAR FALLS, IOWA, MAY 6, 2024
REGULAR MEETING, CITY COUNCIL
MAYOR DANIEL LAUDICK 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 (joined via phone at 7:20 PM), Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Absent: None. Mayor Laudick led the Pledge of Allegiance.

- 54739 - It was moved by Ganfield and seconded by Crisman that the minutes of the Regular Meeting of April 15, 2024 be approved as presented and ordered of record. Motion carried unanimously.
- 54740 - The Mayor then asked if there were any agenda revisions. City Clerk Kerr noted that item 12a on the Consent Calendar was being removed from the agenda.
- 54741 - Rosemary Beach, Cedar Falls, commented on new restrooms located downtown.
- Reverend Michael Blackwell, Cedar Falls, commented on racial disparity and discrimination.
- Larry Stumme, Waterloo, commented on the recent 24/7 Wall Street Report naming Iowa as the second worst state for Black Americans.
- Carole Deeds, Cedar Falls, commented on the demolition of two properties listed on the agenda. (items #39 & #40)
- Isaac Mata, Waterloo, thanked staff for his recent internship with the city. Mayor Laudick and Councilmember Dunn commented.
- 54742 - Director of Public Safety Berte announced an Open House at the Public Safety Center on Thursday, May 9, 2024, from 4:30 PM – 7 PM.
- Berte announced the Peace Officer's Memorial Service Event at Overman Park on Monday, May 15, 2024 at 10 AM.
- Director of Community Development Sheetz announced the twenty-seven Panthers on Parade statues have been placed throughout the community and will be on display through October. Mayor Laudick commented.
- 54743 - Mayor Laudick announced that in accordance with the public notice of April 23, 2024, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2024 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.
- 54744 - 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. Civil Engineer II Armstrong

provided an update on 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.

- 54745 - It was moved by Ganfield and seconded by Crisman that Resolution #23,578, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2024 Alley Reconstruction Project, be adopted. Following comments and questions by Councilmembers Ganfield and Kruse, and responses by Civil Engineer II Armstrong and Director of Public Works Schrage, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,578 duly passed and adopted.
- 54746 - Mayor Laudick announced that in accordance with the public notice of April 23, 2024, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2024 Sidewalk Assessment Project - Zone 6. It was then moved by Dunn and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54747 - 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 an update on 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.
- 54748 - It was moved by Crisman and seconded by Hawbaker that Resolution #23,579, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2024 Sidewalk Assessment Project - Zone 6, be adopted. Following questions by Councilmembers Kruse and Crisman, and responses by City Engineer Wicke, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,579 duly passed and adopted.
- 54749 - Mayor Laudick announced that in accordance with the public notice of April 18, 2024, this was the time and place for a public hearing on the proposed amendments to the City's FY2024 Budget. It was then moved by Dunn and seconded by Crisman that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54750 - 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 an update on 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.
- 54751 - It was moved by Crisman and seconded by Dunn that Resolution #23,580,

approving and adopting amendments to the City's FY2024 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: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,580 duly passed and adopted.

- 54752 - Mayor Laudick announced that this was the time and place for a hearing on a proposed resolution adopting and levying the final schedule of assessments for the 2023 Sidewalk Assessment Project – Zone 1. City Engineer Wicke provided a summary of the sidewalk assessment process.
- 54753 - It was moved by Dunn and seconded by Crisman that Resolution #23,581, adopting and levying the final schedule of assessments for the 2023 Sidewalk Assessment Project - Zone 1, 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: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,581 duly passed and adopted.
- 54754 - It was moved by Ganfield and seconded by Latta that Ordinance #3054, amending Chapter 17, Parks and Recreation, of the Code of Ordinances relative to the Art and Culture Center and Board, 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, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3054 duly passed and adopted.
- 54755 - It was moved by Kruse and seconded by Hawbaker that Ordinance #3055, amending Chapter 17, Parks and Recreation, of the Code of Ordinances relative to the Visitors and Tourism Board, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon the call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, and Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3055 duly passed and adopted.
- 54756 - It was moved by Kruse and seconded by Crisman that Ordinance #3056, amending Chapter 2, Administration, of the Code of Ordinances relative to Boards and Commissions and Department of Community Development, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon the call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, and Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3056 duly passed and adopted.
- 54757 - It was moved by Kruse and seconded by Dunn that Ordinance #3057, amending Chapter 2, Administration, of the Code of Ordinances relative to Department of Community Development, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor put the question on the

motion and upon the call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, and Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3057 duly passed and adopted.

54758 - It was moved by Latta and seconded by Hawbaker that Ordinance #3058, amending Chapter 2, Administration, of the Code of Ordinances relative to Compensation, of Division 6, Utilities Board of Trustees, be passed upon its second consideration. Following due consideration by the Council, the Mayor put the question on the motion and upon the call of the roll, the following named Councilmembers voted. Aye: Schultz, Latta, Kruse, Hawbaker, Ganfield, Crisman, and Dunn. Nay: None. Motion carried.

54759 - It was moved by Kruse and seconded by Hawbaker that the following items on the Consent Calendar be received, filed, and approved:

Receive and file Departmental Quarterly Reports of January - March 2024.

Receive and file communication from the Civil Service Commission relative to the following certified list:

a) Fitness Coordinator.

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

- a) Casey's #1887, 2425 Center Street.
- b) Casey's #2630, 5226 University Avenue.
- c) Casey's #2865, 5908 Nordic Drive.
- d) Casey's #3045, 601 Main Street.
- e) Casey's #3610, 1225 Fountains Way.
- f) Hansen's Dairy, 123 East 18th Street.
- g) Happy's Wine & Spirits, 5925 University Avenue, Suite 5.
- h) Hy-Vee Fast and Fresh, 6527 University Avenue.
- i) Hy-Vee Food Store, 6301 University Avenue.
- j) Metro Mart #3, 103 Franklin Street.
- k) The Landmark, 107 Main Street.
- l) Up In Smoke, 2218 College Street.

Approve the following applications for retail alcohol licenses:

- a) Hurling Hatchet, 100 East 2nd Street, Special Class C retail alcohol - renewal.
- b) Double Tap, 312 Main Street, Class C retail alcohol - renewal.
- c) Famous Dave's, 6222 University Avenue, Class C retail alcohol -renewal.
- d) The Other Place, 209 Main Street, Class C retail alcohol - renewal.
- e) Casey's General Store, 2425 Center Street, Class E retail alcohol - renewal.
- f) Prime Mart, 2323 Main Street, Class E retail alcohol - renewal.
- g) Walgreens, 2509 Whitetail Drive, Class E retail alcohol - renewal.
- h) Deringer's Public Parlor, 314 ½ Main Street, Class C retail alcohol – change in ownership.
- i) Double Tap, 312 Main Street, Class C retail alcohol – change in ownership.
- j) The Stuffed Olive and Roxxy, 314-316 Main Street, Class C retail alcohol & outdoor service – change in ownership.
- k) Live to 9, 200 Block of State Street and 100 Block of East 2nd Street including adjacent sidewalks, Special Class C retail alcohol & outdoor service - six 5-day permits (May 28- June 1, June 4-8, June 11-15, July 9-13, July 23-27, and August 6-10).

Motion carried unanimously.

- 54760 - It was moved by Crisman and seconded by Kruse to receive and file the City Council Standing Committee minutes of April 15, 2024 relative to the following item:
a) Discussion on Regular Council Meetings to be held on Tuesdays.

Following comments by Councilmember Crisman, the motion carried unanimously.

- 54761 - It was moved by Latta and seconded by Kruse to approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:
b) Gretchen Harken, Bicycle and Pedestrian Commission, term ending 09/30/28.
c) Cindy Wiles, Board of Rental Housing Appeals, term ending 05/01/2028.
d) Eryn Hamann, Human Rights Commission, term ending 07/01/2025.
e) MaraBeth Soneson, Utilities Board of Trustees, term ending 08/31/2030.

Following comments by Councilmembers Crisman and Latta, and responses by City Administrator Gaines, Director of Finance & Business Operations Rodenbeck and Mayor Laudick, the motion carried unanimously.

- 54762 - It was moved by Kruse and seconded by Hawbaker to receive and file the Bi-Annual Report of Community Main Street relative to FY24 Self-Supported Municipal Improvement District (SSMID) funds and an FY24 Economic Development Grant. Following comments by Councilmembers Crisman and Ganfield, Community Main Street Executive Director Kim Bear, and Mayor Laudick, the motion carried unanimously.

- 54763 - It was moved by Kruse and seconded by Hawbaker that the following resolutions be introduced and adopted:

Resolution #23,582, approving and authorizing execution of Amendment One to the Service/Product Agreement with Eide Bailley, LLP for Audit Services.

Resolution #23,583, approving and adopting amendments to CFD 2100: Personnel Policies – Introduction.

Resolution #23,584, approving and adopting amendments to CFD 2101: Personnel Policy – Equal Employment Opportunity.

Resolution #23,585, approving and adopting amendments to CFD 2102: Personnel Policy – Harassment-Free Workplace.

Resolution #23,586, approving and adopting amendments to CFD 2106: Personnel Policy – Probationary Period.

Resolution #23,587, approving and adopting amendments to CFD 2107: Personnel Policy – Transfer.

Resolution #23,588, approving and adopting amendments to CFD 2108: Personnel Policy – Promotion.

Resolution #23,589, approving and adopting amendments to CFD 2110: Personnel Policy – Outside Employment.

Resolution #23,590, approving and adopting amendments to CFD 2121: Personnel Policy – Nepotism Prohibition.

Resolution #23,591, approving and adopting amendments to CFD 2152: Personnel Policy – Performance Appraisals.

Resolution #23,592, approving and adopting amendments to CFD 2255: Personnel Policy – Service Awards.

Resolution #23,593, approving and adopting amendments to CFD 2351: Personnel Policy – Attendance and Punctuality.

Resolution #23,594, approving and adopting amendments to CFD 2354: Personnel Policy – Leaves of Absence.

Resolution #23,595, approving and adopting amendments to CFD 2356: Personnel Policy – Sick Leave.

Resolution #23,596, approving and adopting amendments to CFD 2401: Personnel Policy – Employee Behavior.

Resolution #23,597, approving and adopting amendments to CFD 2402: Personnel Policy – Employee Personal Appearance.

Resolution #23,598, approving and adopting amendments to CFD 2405: Personnel Policy – Mobile Device Allowance.

Resolution #23,599, approving and adopting amendments to CFD 2406: Personnel Policy – Technology Resources Acceptable Use.

Resolution #23,600, approving and adopting a job classification for the position of Policy & Administration Specialist.

Resolution #23,601, approving and authorizing execution of a Property Lease Agreement with Chicago, Central & Pacific Railroad Company.

Resolution #23,602, approving and authorizing execution of a Service/Product Agreement with Benton's Sand & Gravel, Inc. for demolition of a structure located at 1218 Cottage Row Road.

Resolution #23,603 approving and authorizing execution of a Service/Product Agreement with Lehman Trucking & Excavating Inc. for demolition of a structure located at 523 West 1st Street.

Resolution #23,604, approving the preliminary plat for Panther West Additions.

Resolution #23,605, approving and authorizing execution of a Service/Product Agreement for asbestos abatement services with Advanced Environmental Testing & Abatement Inc. relative to properties located at 2603 South Union Road, 2617 South Union Road and 6512 West Ridgeway Avenue.

Resolution #23,606, approving and accepting a Warranty Deed, Purchaser's

Affidavit and Trustee Affidavit, in conjunction with the Northern Cedar Falls Flood Buyout Program.

Resolution #23,607, approving the preliminary plat and final plat of Pinnacle Prairie Commercial South Phase VI.

Resolution #23,608, approving and authorizing execution of a Contract for Completion of Improvements with Greenhill Estates, Inc. relative to the final plat of Pinnacle Prairie Commercial South Phase VI. (Contingent upon approval of previous item)

Resolution #23,609, approving and authorizing execution of a contract with Laser Line Striping relative to pavement marking services.

Resolution #23,610, approving and accepting Patent No. 6464 and No. 6465 from the Iowa Department of Transportation (Iowa DOT), in conjunction with the West 1st Street Project.

Resolution #23,611, approving and authorizing execution of an Agreement for Traffic Safety Improvement Program (TSIP) Funding with the Iowa Department of Transportation (IDOT) relative to the Prairie Parkway and Viking Road Intersection Improvements Project.

Resolution #23,612, approving and authorizing execution of ten Owner Purchase Agreements; and approving and accepting seventeen Temporary Construction Easements, seven Sanitary Sewer Easements and three Storm Sewer and Drainage Easements, in conjunction with the North Cedar Heights Drive Phase 2 Project.

Resolution #23,613, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with Learn & Play Preschool & Daycare LLC, relative to a post-construction stormwater management plan for 4710 Cedar Heights Drive.

Resolution #23,614, receiving and filing, and approving and accepting the bid of Peterson Contractors, Inc. in the amount of \$6,237,016.30, for the West Viking Road Reconstruction and Trail Project.

Resolution #23,615, approving and accepting the contract and bond of Peterson Contractors, Inc. for the West Viking Road Reconstruction and Trail Project.

Resolution #23,616, approving the Certificate of Completion and accepting the work of Municipal Pipe Tool Company, LLC for the 2024 CDBG Sanitary Sewer Rehabilitation Project.

Resolution #23,617, approving and authorizing execution of Supplemental Agreement No. 3 to the Professional Service Agreement with Snyder & Associates, Inc. for administration and design services relative to the Oak Park Boulevard Sewer Replacement Project.

Resolution #23,618, approving and authorizing execution of a License Agreement with Windstream Intellectual Property Services, LLC relative to installing a fiber optic telecommunications system within the public right-of-way along Hudson Road and Technology Parkway.

Resolution #23,619, approving and authorizing execution of a License Agreement with Windstream Intellectual Property Services, LLC relative to installing a fiber optic telecommunications system within the public right-of-way along West Viking Road.

Resolution #23,620, receiving and filing, and setting May 20, 2024 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2024 Seal Coat Project.

Resolution #23,621, setting May 20, 2024 as the date of public hearing on the proposed rezoning from M-1, Light Industrial District, to C-2, Commercial District, of properties located at 2300 Main Street, 2216 Main Street and 127 East 23rd Street.

Resolution #23,622, setting May 20, 2024 as the date of public hearing on the proposed vacation of certain public right-of-way of an alley between Longview Street and Cedar Street.

Resolution #23,623, setting May 20, 2024 as the date of the public hearing on the proposed amendments to Chapter 1, General Provisions, of the Code of Ordinances relative to the general penalty for scheduled violations.

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, Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #23,582 through #23,623 duly passed and adopted.

The Mayor announced a short recess from 7:49 PM to 7:54 PM.

54764 - It was moved by Dunn and seconded by Crisman that the following resolutions be introduced and adopted:

Resolution #23,624, receiving and filing, and approving and accepting the bid of Aspro, Inc. in the amount of \$389,994.00, for the Orchard Hill Pickleball Court Expansion Project.

Resolution #23,625, approving and accepting the contract and bond of Aspro, Inc. for the Orchard Hill Pickleball Court Expansion Project.

Recreation & Community Programs Manager Soppe provided a presentation on the project and its timeline. Following questions and comments by Councilmembers Schultz, Ganfield, Crisman, and Latta, and responses by Soppe, Director of Public Works Schrage, and City Administrator Gaines, the Mayor called for public comment.

The following individuals spoke in support of the project:

Mary O'Shaughnessy, Cedar Falls
Maureen Henderson, Cedar Falls
Brandon Pedersen, Cedar Falls
Cliff Roy, Cedar Falls
Ward Stubbs, Cedar Falls
B. Patterson, Cedar Falls

Jeanette Marsh, Cedar Falls
David Maxin II, Cedar Falls
Charlie Blair-Broeker, Cedar Falls
Steve Sullivan, Cedar Falls
Kent Ratiken, Cedar Falls
Sarah Jansen, Cedar Falls
Cindy Wagner, Cedar Falls
Mary Dickens, Cedar Falls
Mark Rhoades, Cedar Falls

The following individuals spoke in opposition to the project:

Kathy Oakland, Cedar Falls, provided signed petitions to Council.
Brenda Bonner, Cedar Falls
Brian Bonner, Cedar Falls
Gaylen Hutchins, Cedar Falls
Kim Kischer Larson, Cedar Falls
Lori Newbragh, Cedar Falls
Shelly Wessels, Cedar Falls
Kevin Ubben, Cedar Falls
Sheri Ubben, Cedar Falls. Ubben also requested a stop sign at McClain Drive.

Councilmember Schultz departed the meeting at 9:15.

Following comments by Mayor Laudick, Councilmembers Ganfield, Latta, Kruse, Crisman, Dunn, and Hawbaker, and responses by Director of Community Development Sheetz, City Attorney Rogers, and Director of Public Works Schrage, the Mayor then put the question on the motions, and upon call of the roll, the following named Councilmembers voted. Aye: Latta, Hawbaker, Ganfield, Crisman, Dunn. Nay: Kruse. Motion carried. The Mayor then declared Resolutions #23,624 and #23,625 duly passed and adopted.

- 54765 - It was moved by Crisman and seconded by Kruse that the bills and claims of May 6, 2024 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: Latta, Kruse, Hawbaker, Ganfield, Crisman, Dunn. Nay: None. Motion carried.
- 54766 - Councilmember Crisman announced the USPS annual food drive, Stamp Out Hunger, on May 11, 2024. Councilmember Dunn also commented.
- 54767 - It was moved by Crisman and seconded by Dunn that the meeting be adjourned at 10:08 P.M. Motion carried unanimously.

Kim Kerr, CMC, City Clerk