

**CITY HALL
CEDAR FALLS, IOWA, JUNE 20, 2023
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 7:29 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

- 54339 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of June 5, 2023 be approved as presented and ordered of record. Motion carried unanimously.
- 54340 - The Mayor then asked if there were any agenda revisions. Administrative Supervisor Kerr noted that item #34 on the Resolution Calendar was being removed from the agenda.
- 54341 - Mayor Green recognized Spencer Luvert and presented him with a Distinguished Service Award for 24 years of service on the Human Rights Commission. HRC Chair Sonja Bock and Mr. Luvert commented.

Councilmembers agreed by consensus to Mayor Green's request to consider item #11 on the Consent Calendar at this time.

It was then moved by Kruse and seconded by Harding to approve the following proclamations:

- a) Recognizing June 19, 2023 as Juneteenth Freedom Day.
- b) Recognizing July 2023 as Disability Pride Month.
- c) Recognizing July 11, 2023 as 1-133d Infantry Regiment-Ironman Battalion Day.

Motion carried unanimously.

Mayor Green then read proclamations recognizing June 19, 2023 as Juneteenth Freedom Day and July 2023 as Disability Pride Month. HRC Commissioner Bock accepted and commented.

- 54342 - Public Safety Director Berte responded to comments by Tamie Stahl, Cedar Falls, on the recent Cedar Falls River Rescue and an occurrence at her home where officers were dispatched.
- 54343 - Public Safety Director Berte provided an update on fireworks noting they are allowed on July 3 & July 4, and relayed how this information has been provided to the public. He also mentioned a Blood Drive being held at the Public Safety Center on July 28th.

Mayor Green noted that the Key to the City will be presented to NASA Astronaut

Raj Chari at Overman Park on June 23rd.

- 54344 - Councilmembers agreed by consensus to Mayor Green's request to consider item #10 on the Consent Calendar at this time.

It was then moved by Dunn and seconded by Kruse to approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:

- a) Gina Weekley, Human Rights Commission, term ending 07/01/2026.
- b) Jason Droste, Human Rights Commission, term ending 07/01/2026.
- c) Madeleine Seymour, Human Rights Commission, term ending 07/01/2024.

Following comments by Ms. Seymour, the motion carried unanimously.

- 54345 - It was moved by Dunn and seconded by Kruse to approve the following recommendation of the Mayor relative to the appointment of members to Boards and Commissions:

- d) Tyler Ingham, Human Rights Commission, term ending 07/01/2024.

Following a comment by Councilmember Ganfield, the motion carried 6-1, with Ganfield voting nay.

- 54346 - Mayor Green announced that in accordance with the public notice of June 9, 2023, this was the time and place for a public hearing on a proposed amendment to the Future Land Use Map by changing the designation from Low Density Residential to Neighborhood Commercial and Mixed Use, and on the proposed rezoning from C-1, Commercial Zoning District to PC-2, Planned Commercial Zoning District of property located at 702 LeClair Street. It was then moved by Ganfield and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

- 54347 - The Mayor then asked if there were any written communications filed to the proposed amendment. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planner I Atodaria provided a summary of the proposed amendment and rezoning. Following comments by Tamie Stahl, Cedar Falls, the Mayor declared the hearing closed and passed to the next order of business.

- 54348 - It was moved by Harding and seconded by Dunn that Resolution #23,216, approving an amendment to the Future Land Use Map by changing the designation from Low Density Residential to Neighborhood Commercial and Mixed Use of property located at 702 LeClair Street, be adopted. Following comments and questions by Councilmembers deBuhr, Ganfield, Schultz and Kruse, and responses by Planner I Atodaria 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: Schultz, deBuhr, Kruse, Harding, Sires, Dunn. Nay: Ganfield. Motion carried. The Mayor then declared Resolution #23,216 duly passed and adopted.

- 54349 - It was moved by deBuhr and seconded by Kruse that Ordinance #3031, amending the Zoning Map by removing approximately 2.26 acres of property located at 702 LeClair Street from the C-1, Commercial Zoning District and placing the same in the PC-2, Planned Commercial Zoning District, be passed upon its first 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, Sires, Dunn. Nay: Ganfield. Motion carried.
- 54350 - Mayor Green announced that in accordance with the public notice of June 9, 2023, this was the time and place for a public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to allowance of vinyl siding on certain residential buildings in the Neighborhood Frontages within the CD-DT, Downtown Character District. 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.
- 54351 - 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. Planning & Community Services Manager Howard provided a 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.
- 54352 - It was moved by Kruse and seconded by deBuhr that Ordinance #3032, amending Chapter 26, Zoning, of the Code of Ordinances relative to allowance of vinyl siding on residential buildings with six or fewer dwelling units in the Neighborhood Frontages within the CD-DT, Downtown Character District, be passed upon its first consideration. Following comments by Councilmembers Kruse, deBuhr and Dunn, and responses by Planning & Community Services Manager Howard, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Ganfield. Nay: Harding, Dunn. Motion carried.
- 54353 - It was moved by Dunn and seconded by Kruse that Ordinance #3030, vacating certain public right-of-way along Hudson Road, 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, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3030 duly passed and adopted.
- 54354 - It was moved by Harding and seconded by Dunn that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Standing Committee minutes of June 5, 2023

relative to the following items:

- a) Council Policy on Official City Proclamations.
- b) Green Space Policies within Subdivisions.
- c) Parking Permits for Downtown Municipal Lots.
- d) FY2024 Cash Management Report.

Receive and file the following resignation of members from Boards and Commissions:

- a) Anne Bonsall Hoekstra, Art & Culture Board.

Receive and file the Bi-Annual Report of the College Hill Partnership relative to FY23 Self-Supported Municipal Improvement District (SSMID) funds and an FY23 Economic Development Grant.

Approve an Order Accepting Acknowledgment Settlement Agreement with Baba Fareed LLC, d/b/a Great Wall China, 2125 College Street, for a second tobacco violation.

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

- b) Greenleaf Tobacco & Vapor, 502 Brandilynn Boulevard.
- c) Mini Mart, 1420 West 1st Street.
- d) Pheasant Ridge Golf Course, 3205 West 12th Street.
- e) Prime Mart, 2728 Center Street.

Approve the following applications for retail alcohol licenses:

- a) Applebee's Neighborhood Grill & Bar, 6301 University Avenue, Class C retail alcohol - renewal.
- b) Carlos O'Kelly's Mexican Café, 6507 University Avenue, Class C retail alcohol-renewal.
- c) George's Local, 108 E. 4th Street, Class C retail alcohol & outdoor service – renewal.
- d) Mulligan's Brick Oven Grill & Pub, 205 East 18th Street, Class C retail alcohol & outdoor service - renewal.
- e) Starbeck's Smokehouse, 6607 University Ave, Class C retail alcohol & outdoor service – renewal.
- f) Texas Roadhouse, 5715 University Avenue, Class C retail alcohol - renewal.
- g) Target, 214 Viking Plaza Drive, Class E retail alcohol - renewal.
- h) Walgreens, 2509 Whitetail Drive, Class E retail alcohol – change in ownership.
- i) Amvets, 1934 Irving Street, Class F retail alcohol & outdoor service - temporary expansion of outdoor service area.
- j) NewAldaya Lifescapes, 7511 University Avenue, Class F retail alcohol & outdoor service – temporary expansion of outdoor service.
- k) Deringer's Public Parlor, 6027 University Avenue, Class C retail alcohol & outdoor service – 5-day permit.
- l) Dollar General Store, 2921 Center Street, Class B retail alcohol - new.
- m) Kwik Star, 2019 College Street, Class B retail alcohol - new.
- n) Kwik Star, 7500 Nordic Drive, Class B retail alcohol – new.
- o) Cooper's Taproom, 2002 College Street, Class C retail alcohol – new.

Motion carried unanimously.

- 54355 - It was moved by Harding and seconded by Dunn to approve the following application for cigarette/tobacco/nicotine/vapor permits:
a) Great Wall, 2125 College St, Suite D.

Following a question by Councilmember Ganfield and response by City Attorney Rogers, the motion carried unanimously.

- 54356 - It was moved by Dunn and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #23,217, rescinding CFD 1127.22, Council Policy – Official City Proclamations.

Resolution #23,218, approving and adopting the City's FY2024 Appropriations Resolution.

Resolution #23,219, amending an inter-fund loan from the Capital Projects Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV Disinfection & Biosolids Handling Facilities Improvements Project and the Bluff Street Lift Station.

Resolution #23,220, amending an inter-fund loan (#1) from the Health Trust Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV Disinfection & Biosolids Handling Facilities Improvements Project.

Resolution #23,221, amending an inter-fund loan (#2) from the Health Trust Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV Disinfection & Biosolids Handling Facilities Improvements Project.

Resolution #23,222, amending an inter-fund loan (#3) from the Health Trust Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV Disinfection & Biosolids Handling Facilities Improvements Project.

Resolution #23,223, amending an inter-fund loan (#4) from the Health Trust Fund to the Sewer Enterprise Fund relative to funding for the Water Reclamation UV Disinfection & Biosolids Handling Facilities Improvements Project, Bluff Street Lift Station and the Park Drive Lift Station.

Resolution 23,224, approving and adopting the City's FY2024 Payroll Resolution.

Resolution #23,225, approving and authorizing execution of an Administrative Services Agreement with Wellmark Blue Cross and Blue Shield of Iowa relative to the City's FY2024 Employee Health Plan.

Resolution #23,226, approving a Stop Loss Policy with Wellmark, Inc. relative to the City's FY2024 Employee Health Plan.

Resolution #23,227, approving and authorizing execution of a Business Associate Agreement with Pedersen, Dowie, Clabby & McCausland (PDCM) Insurance Inc., in conjunction with the Benefits Consultant Agreement relative to the City's benefit plans.

Resolution #23,228, approving and authorizing execution of a Client Authorization to Bind Coverage relative to renewal of the City's Public Entity Insurance for FY2024.

Resolution #23,229, approving and adopting amendments to the City's Finance Policies (f/n/a Accounting Policies and Procedures and Purchasing Manual).

Resolution #23,230, approving and authorizing execution of a Merchant Card Processing Agreement with Professional Solutions Financial Services.

Resolution #23,231, approving and authorizing execution of an Engagement Letter with Eide Bailly, LLP to perform the FY2023 Audit Engagement.

Resolution #23,232, approving and adopting the City's FY2024 Fee Schedule.

Resolution #23,233, approving and authorizing the expenditure of funds for the replacement of network switches relative to updating the city's network hardware.

Resolution #23,234, approving and authorizing execution of a 28E Agreement for Swimming Pool Use, Operation and Maintenance, and City funding with the Cedar Falls Community School District.

Resolution #23,235, approving and authorizing execution of an Agreement with Atlantic Bottling Company relative to providing vending services for The Falls Aquatic Center, Birdsall Park, Pfeiffer Park and the Recreation Center.

Resolution #23,236, approving and authorizing execution of an Agreement with The Sherwin-Williams Company for flooring replacement in the multi-purpose room of the Recreation Center.

Resolution #23,237, approving and authorizing execution of three Red House Studio Lease Extensions relative to the use of 224 West Seerley Boulevard as artists' studio space, in conjunction with the Hearst Center's Visiting Artist Program.

Resolution #23,238, approving and authorizing execution of an Agreement with Moxie, a division of VGM Group Inc., relative to digital advertising for the Tourism & Visitors Bureau.

Resolution #23,239, approving and authorizing execution of an Agreement in Support of the College Hill Partnership (CHP) relative to FY2024 Tourism Activities & Economic Development Services Funding.

Resolution #23,240, approving and authorizing execution of an Agreement in Support of Cedar Falls Community Main Street (CMS) relative to FY2024 Tourism Activities & Economic Development Services Funding.

Resolution #23,241, approving and accepting a Warranty Deed, in conjunction with the expansion of the West Viking Road Industrial Park.

Resolution #23,242, approving and authorizing the expenditure of funds for the purchase of a makeup air unit (MAU) for the 17th Street Lift Station.

Resolution #23,243, approving and accepting the contract and bond of Vieth Construction Corp. for the 2023 Alley Reconstruction Project.

Resolution #23,244, setting July 17, 2023 as the date of public hearing on the proposed FY2024 (FFY2023) Annual Action Plan for Community Development Block Grant (CDBG) and HOME Consortium.

Resolution #23,245, setting July 17, 2023 as the date of public hearing to consider entering into an Agreement for Private Development, and to consider conveyance of certain city-owned real estate to Ryan Companies US, Inc.

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 #23,217 through #23,245 duly passed and adopted.

- 54357 - It was moved by Harding and seconded by Dunn that Ordinance #3033, amending Chapter 2, Administration, of the Code of Ordinances relative to salaries for elected officials, be passed upon its first consideration. Following comments by Cedar Falls residents T.J. Frein, Josh Wilson, Tamie Stahl, Gabe Groothuis and Danny Laudick, Councilmembers Kruse, Harding, Dunn and Schultz, and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield, Dunn. Nay: deBuhr, Sires. Motion carried.
- 54358 - It was moved by Harding and seconded by Dunn that Ordinance #3034, amending Chapter 19, Streets and Sidewalks, of the Code of Ordinances relative to removal of snow and ice, be passed upon its first consideration. Following comments by Councilmember Kruse, it was moved by Kruse and seconded by deBuhr to amend the motion by striking "48 hours at the end of the weather event" and returning it to "a reasonable amount of time" in section 19-185. Following questions and comments by Councilmembers deBuhr, Kruse, Harding, Dunn and Ganfield, and responses by Community Development Director Sheetz, Building Official Castle and Public Works Director Schrage, Councilmember Kruse amended his motion to change "a reasonable amount of time" to "72 hours". Following comments by Councilmembers Schultz and Harding, and City Administrator Gaines, Councilmember Kruse withdrew the motion to amend. Following additional questions by Councilmembers Kruse and deBuhr, and responses by City Attorney Rogers, Community Development Director Sheetz, and Building Official Castle, the Mayor put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.
- 54359 - It was moved by Ganfield and seconded by Schultz that Ordinance #3035, amending Chapter 23, Traffic and Motor Vehicle, of the Code of Ordinances relative to prohibiting parking on certain portions of Bluebell Road, be passed upon its first 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.

54360 - It was moved by Kruse and seconded by Harding that the bills and claims of June 20, 2023 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.

54361 - Information Systems Manager Sorensen responded to a question by Councilmember Kruse in regard to use of personal email addresses versus city email addresses.

54362 - It was moved by Kruse and seconded by deBuhr to refer to the Finance & Business Operations Committee the potential of having City Council personal email addresses on the City website. Motion carried 4-3, with Schultz, Harding and Dunn voting Nay. Councilmembers Dunn, deBuhr and Kruse commented.

It was moved by Kruse and seconded by Ganfield to refer to the Community Development Committee the possibility of limiting vape shops in the zoning ordinance in certain zones of the City. Following comments by Councilmembers Ganfield, Harding and Kruse and responses by City Attorney Rogers, Kruse withdrew his referral.

54363 - It was moved by Kruse and seconded by Ganfield that the meeting be adjourned at 9:41 P.M. Motion carried unanimously.

Kim Kerr, Administrative Supervisor