

**COMMUNITY CENTER  
CEDAR FALLS, IOWA, MAY 16, 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, Kruse, Harding, Ganfield, Sires, Dunn. Absent: deBuhr.

53815 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of May 2, 2022 be approved as presented and ordered of record. Motion carried unanimously.

53816 - City Clerk Danielsen announced that Item #16 on the Resolution Calendar was being removed from the agenda.

53817 - Mayor Green read the following proclamations:

Proclamation recognizing May 15-21, 2022 as National Public Works Week. Public Works Director Chase Schrage accepted and commented.

Mayor Green introduced T.J. Warren who spoke about neurofibromatosis and the Children's Tumor Foundation and announced events to raise awareness and funding.

53818 - Rick Sharp, 1623 Birch Street, requested either an additional public forum at the end of meetings or an opportunity to ask additional questions prior to voting on items; and about Cedar Falls having its own fireworks show.

53819 - It was moved by Sires and seconded by Harding that Ordinance #3011, amending Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinance relative to the use and explosion of consumer fireworks within the City limits, be passed upon its second consideration. Roger White, 2303 Greenwood Avenue, and Tim Houts, 2128 Pleasant Drive, spoke in opposition to the proposed ordinance and Mr. Houts submitted a petition signed by veterans in the Cedar Valley. Justin Bartlett, 4922 Addison Drive, spoke in support of a limited window for fireworks usage. Rick Sharp, 1623 Birch Street, expressed concerns with enforcement. Following questions and comments by Councilmembers Kruse, Harding, Schultz and Dunn, and responses by Mayor Green, City Attorney Rogers and Acting Public Safety Director Berte, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Harding, Ganfield, Sires, Dunn. Nay: Kruse. Motion carried.

53820 - It was moved by Kruse and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

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

- a) Sarah Corkery, Parks & Recreation Commission, term ends 06/30/2025.
- b) Leslie Nixon, Parks & Recreation Commission, term ends 06/30/2025.
- c) Kelsey Schreiber, Parks & Recreation Commission, term ends 06/30/2025.
- d) David Glenn-Burns, MET Transit Board, term ends 06/30/2025.
- e) Richard McAlister, Utilities Board of Trustees, term ends 08/31/2028.

Receive and file the City Council Work Session minutes of April 26, 2022 relative to the following item:

- a) Fireworks – Joint discussion with Waterloo elected officials.

Receive and file the City Council Committee of the Whole minutes of May 2, 2022 relative to the following items:

- a) Storm Water Rate Increases.
- b) Standing Committee Customary Procedures.

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

- a) Buzz Smoke & Vapor, 2125 College Street Suite A.
- b) Cloud 9 Glass & Novelty, 2125 College Street Suite C.
- c) Fleet Farm, 400 West Ridgeway Avenue.
- d) Fleet Farm Fuel, 108 West Ridgeway Avenue.
- e) Hansen's Dairy, 123 East 18th Street.
- f) Happy's Wine & Spirits, 5925 University Avenue.
- g) Hy-Vee, 6301 University Avenue.
- h) Hy-Vee Fast and Fresh, 6527 University Avenue.
- i) Mini Mart, 1420 West 1st Street.
- j) Murphy USA, 518 Brandilynn Boulevard.
- k) Prime Mart, 2728 Center Street.
- l) Walmart, 525 Brandilynn Boulevard.

Approve the following applications for beer permits and liquor licenses:

- a) Hurling Hatchet, 100 East 2nd Street, Class B beer - renewal.
- b) Berk's Main Street Pub, 207 Main Street, Class C liquor - renewal.
- c) Casey's General Store, 5226 University Avenue, Class E liquor - renewal.
- d) Hy-Vee Food Store, 6301 University Avenue, Class E liquor - renewal.
- e) Target, 214 Viking Plaza Drive, Class E liquor - renewal.
- f) River Place Plaza, 200 East 2nd Street – Plaza, Special Class C liquor & outdoor service – temporary expansion of outdoor service area. (June 24-26, 2022)
- g) Jorgensen Plaza (Table 1912, Diamond Event Center and Gilmore's Pub), 5307 Caraway Lane, Class C liquor & outdoor service – temporary expansion of outdoor service area. (May 27, 2022)
- h) Cedar Basin Music Festival, Sturgis Park, Class B beer & outdoor service - 5 day permit.

Motion carried unanimously.

- 53821 - It was moved by Kruse and seconded by Schultz that the following resolutions be introduced and adopted:

Resolution #22,772, naming Official Depositories for the City of Cedar Falls.

Resolution #22,773, approving and adopting the City's FY23 Appropriations Resolution.

Resolution #22,774, approving and authorizing execution of a Lease for vacant city-owned property located at 2517 Cedar Heights Drive.

Resolution #22,775, approving and authorizing execution of Amendment Number One to the Subaward Agreement with the Iowa Department of Homeland Security and Emergency Management Division (HSEMD) for an extension of the Voluntary Property Acquisition Program funded through the Hazard Mitigation Grant Program relative to the Northern Cedar Falls Flood Buyout

Resolution #22,776, approving The Cove at Spruce Hills Plat 1 Minor Plat.

Resolution #22,777, approving a Planned Residence (RP) Zoning District site plan relative to a proposed multi-residential development in the vicinity of Greenhill Road and Spruce Hills Drive.

Resolution #22,778, receiving and filing, and approving and accepting the bid of Owen Contracting, Inc., in the amount of \$508,133.06, for the 2022 Alley Reconstruction Project.

Resolution #22,779, approving and accepting the contract and bond of Peterson Contractors, Inc. for the West 27th Street Reconstruction Project.

Resolution #22,780, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with The Cove at Spruce Hills, LLC relative to a post-construction stormwater management plan for The Cove at Spruce Hills.

Resolution #22,781, approving and accepting the contract and bond of Aspro, Inc. for the College Hill Parking Lot Improvements Project.

Resolution #22,782, approving and authorizing execution of Supplemental Agreement No. 1 to the Professional Service Agreement with AECOM Technical Services, Inc. for acquisition services relative to the North Cedar Heights Area Reconstruction Project - Phases I and II.

Resolution #22,783, approving and authorizing execution of twenty-seven Owner Purchase Agreements, and approving and accepting twenty-seven Temporary Construction Easements, in conjunction with the Center Street Corridor Streetscape Project.

Resolution #22,784, receiving and filing, and setting June 6, 2022 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Center Street Corridor Streetscape Project.

Resolution #22,785, setting June 6, 2022 as the date of public hearing on the authorization of a Loan Agreement and issuance of not to exceed \$3,200,000 General Obligation Capital Loan Notes for essential corporate purposes (ECP), and providing for publication of notice thereof.

Resolution #22,786, setting June 6, 2022 as the date of public hearing on the authorization of a Loan Agreement and issuance of not to exceed \$600,000 General Obligation Capital Loan Notes for general corporate purposes (GCP-1), and providing for publication of notice thereof.

Resolution #22,787, setting June 6, 2022 as the date of public hearing on the authorization of a Loan Agreement and issuance of not to exceed \$700,000 General Obligation Capital Loan Notes for general corporate purposes (GCP-2), and providing for publication of notice thereof.

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, Kruse, Ganfield, Harding, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #22,772 through #22,787 duly passed and adopted.

- 53822 - It was moved by Kruse and seconded by Harding that Resolution #22,788, approving the Cedar Falls Bicycle Plan, be adopted. Following comments by Councilmember Kruse, questions by Rick Sharp, 1623 Birch Street, and responses by Planner I Sevy, Mayor Green and Councilmember Harding, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #22,788 duly passed and adopted.
- 53823 - It was moved by Harding and seconded by Dunn that Ordinance #3012, amending Chapter 24, Utilities, of the Code of Ordinances, relative to storm water rates, be passed upon its first consideration. Finance & Business Operations Director Rodenbeck provided a brief summary of the proposed ordinance. 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, Kruse, Harding, Ganfield, Dunn. Nay: Sires. Motion carried.
- 53824 - It was moved by Kruse and seconded by Harding that the bills and claims of May 16, 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, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.
- 53825 - It was moved by Harding and seconded by Ganfield to schedule a special council meeting in May for the 3<sup>rd</sup> and final consideration of Ordinance #3011 relative to fireworks usage. Following comments and questions by Councilmembers Harding, Dunn, Schultz and Kruse, and responses by Mayor Green, Acting Public Safety Director Berte, City Attorney Rogers and City Administrator Gaines, Councilmember Harding withdrew his motion.
- 53826 - Mayor Green announced the Peace Officer Memorial Service on May 17, 2022, and recognized this week as Police Week.

53827 - It was moved by Kruse and seconded by Harding to adjourn to Executive Session to discuss performance of the City Administrator pursuant to Iowa Code Section 21.5(1)(i) and City Code Section 2-217. Upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 8:15 P.M.

Mayor Green reconvened the Council meeting at 9:49 P.M.

53828 - It was moved by Harding and seconded by Ganfield that the meeting be adjourned at 9:50 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk