

**CITY HALL  
CEDAR FALLS, IOWA, FEBRUARY 20, 2023  
REGULAR MEETING, CITY COUNCIL  
SIMON HARDING, MAYOR PRO TEM, 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 (via phone), Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Pro Tem Harding led the Pledge of Allegiance.

- 54160 - It was moved by Ganfield and seconded by Dunn that the minutes of the Regular Meeting of February 6, 2023 be approved as presented and ordered of record. Motion carried unanimously.
- 54161 - It was moved by Ganfield and seconded by Dunn that the minutes of the Special City Council meeting of January 30, 2023 be approved as presented and ordered of record. Motion carried unanimously.
- 54162 - City Clerk Danielsen noted that item #3 was being removed from the agenda.
- 54163 - Mayor Pro Tem Harding recognized Administrative Supervisor Kim Kerr for receiving her Certified Municipal Clerk certification.
- 54164 - Rosemary Beach, 5018 Sage Road, suggested locations to add public restrooms downtown.

Julie Shimek, 104 Main Street, commented on her vehicle being towed from a downtown lot and requested a referral to review the 48-hour parking limit in municipal lots.

Tamie Stahl, 1009 Lakeshore Drive, commented on a personnel issue regarding fire chief leave and distributed information to Council.

Controller/City Treasurer Roeding and Finance & Business Operations Director Rodenbeck responded to questions regarding COVID and ARPA funds received for expenditures and provided information about the City Council's transfer of those funds to the City's emergency fund.

Don Blau, 527 Jessica Lane, also commented on public restrooms downtown and spoke in support of Julie Shimek and expressed concerns with downtown parking.

- 54165 - Community Development Director Sheetz introduced new Cultural Programs Supervisor Cory Hurless, and Human Resources Manager Schindel introduced new Diversity, Equity and Inclusion (DEI) Specialist Chelsie Luhning. Hurless and Luhning commented.

City Administrator Gaines provided an update on the State rollback and the

recent County Emergency Management Agency (EMA) decision, and noted that both of these will affect the upcoming budget.

54166 - It was moved by Ganfield and seconded by Dunn that Ordinance #3023, amending the Zoning Map by placing property located on Lots 5 and 6 of the Midway Business Park in the R-4, Multiple Unit Residential Zoning District, pursuant to provisions of a Zoning Agreement, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor Pro Tem 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 Pro Tem then declared Ordinance #3023 duly passed and adopted.

54167 - It was moved by Ganfield and seconded by Dunn that Ordinance #3024, amending the Zoning Map by removing property generally described as Lots 1-4 of Midway Second Addition from the R-4, Multiple Unit Residential Zoning District, to the R-1, One & Two Unit Residential Zoning District, be passed upon its third and final consideration. Following due consideration by the Council, the Mayor Pro Tem 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 Pro Tem then declared Ordinance #3024 duly passed and adopted.

54168 - It was moved by Ganfield 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 February 6, 2023 relative to the following item:

a) FY2024 Budget.

Receive and file the City Council Special Standing Committee Meeting minutes of January 30, 2023 relative to the following item:

a) 6th & Main Intersection.

Receive and file the minutes of the February 3, 2023 City Council Work Session - Joint Meeting with Legislators.

Approve a proclamation recognizing February 24, 2023 as Jamaica Day.

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

a) Mike Mangin, Board of Adjustment, term ending 03/31/2028.

Receive and file the 2022 Annual Reports of the Planning & Zoning Commission, Board of Adjustment, Historic Preservation Commission, Group Rental Committee/Board of Rental Housing Appeals, Housing Commission and Bicycle & Pedestrian Advisory Committee.

Approve the application of Posh Smoke and Vape, 6322 University Avenue, Suite L, for a cigarette/tobacco/nicotine/vapor permit.

Approve the following applications for retail alcohol licenses:

- a) Panther Lounge, 210 East 18th Street, Class C retail alcohol - renewal.
- b) Happy's Wine & Spirits, 5925 University Avenue, Class E retail alcohol - renewal.
- c) The Wine Shop, 305 Main Street, Special Class C retail alcohol – new.

Motion carried unanimously.

54169 - It was moved by Dunn and seconded by Schultz that the following resolutions be introduced and adopted:

Resolution #23,063, amending Resolution No. 22,901, approving and authorizing a form of Loan Agreement and authorizing and providing for the issuance of \$3,860,000 General Obligation Capital Loan Notes, Series 2022, and levying a tax to pay said Notes; Approval of Amendment to Tax Exemption Certificate.

Resolution #23,064, designating July 3, 2023 (9 a.m.-10 p.m.) as an additional day of use for consumer fireworks within the City limits.

Resolution #23,065, approving and adopting the HOME-American Rescue Plan (ARP) Allocation Plan and Annual Action Plan.

Resolution #23,066, approving and authorizing execution of a First Amendment to the Subrecipient Agreement for Federally Funded Project with Refugee & Immigrant Voices in Action (RIVA), f/n/a Ethnic Minorities of Burma Advocacy and Resource Center (EMBARC), for Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #23,067, approving and authorizing Amendment #3 to the Entitlement Community Development Block Grant COVID-19 Program Contract with the Iowa Economic Development Authority (IEDA) relative to Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #23,068, approving and accepting a Temporary Construction Easement, in conjunction with the Main Street Reconstruction Project.

Resolution #23,069, approving and accepting five Warranty Deeds and one Quit Claim Deed, in conjunction with the Main Street Reconstruction Project.

Resolution #23,070, receiving and filing the bids, and approving and accepting the bid of K&W Electric, Inc., in the amount of \$728,796.05, being the only bid received for the Hudson Road & West Ridgeway Avenue Intersection Improvements Project.

Resolution #23,071, receiving and filing the bids, and approving and accepting the bid of Peterson Contracting, Inc., in the amount of \$735,520.00, being the only bid received for the Oak Park Boulevard Sanitary Sewer Replacement Project.

Resolution #23,072, receiving and filing, and setting March 6, 2023 as the date of public hearing on the proposed plans, specifications, form of contract & estimate

of cost for the 2023 Sanitary Sewer Rehabilitation Project.

Resolution #23,073, receiving and filing, and setting March 6, 2023 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2023 Street Construction Project.

Resolution #23,074, receiving and filing, and setting March 6, 2023 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the North Cedar Heights Area Reconstruction Project - Phase I.

Resolution #23,075, setting March 6, 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 McDonald Construction & Remodeling, LLC.

Following due consideration by the Council, the Mayor Pro Tem 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 Pro Tem then declared Resolutions #23,063 through #23,075 duly passed and adopted.

- 54170 - It was moved by Ganfield and seconded by deBuhr that Resolution #23,076, approving and authorizing submission of the Iowa Certified Local Government (CLG) 2022 Annual Report of the Historic Preservation Commission to the State Historical Society of Iowa, be adopted. Historic Preservation Chair Julie Etheredge provided an update and summary of HPC past activities and plans for the upcoming year. Following due consideration by the Council, the Mayor Pro Tem 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 Pro Tem then declared Resolution #23,076 duly passed and adopted.
- 54171 - It was moved by Ganfield and seconded by Dunn that the bills and claims of February 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.
- 54172 - It was moved by Sires and seconded by Schultz review of the parking ordinance for the municipal lot behind the 100 block of Main Street. Following comments by Mayor Pro Tem Harding and Councilmembers Sires, Kruse, Schultz and Dunn, it was moved by Dunn and seconded by Kruse to amend the motion to refer to the Finance & Business Operations Committee review of parking permits purchased for all downtown municipal lots. Motion to amend carried 6-1, with Sires voting Nay. The original motion as amended then carried unanimously. City Attorney Rogers and Administrator Gaines responded to questions by Councilmembers Ganfield and Schultz, and Public Safety Director Berte.
- 54173 - It was moved by Dunn and seconded by Ganfield to adjourn to Executive

Session to discuss Collective Bargaining per Iowa Code Section 20.17(3) as negotiating sessions, strategy meetings of public employers, mediation, and the deliberative process of arbitrators. Upon call of the roll, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 8:02 P.M.

Mayor Pro Tem Harding reconvened the Council meeting at 8:36 P.M.

54174 - It was moved by Ganfield and seconded by Sires that the meeting be adjourned at 8:37 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk