

Committee of the Whole
Cedar Falls Council Chambers
September 20, 2021

The Committee of the Whole met at City Hall at 5:15 p.m. on September 20, 2021, with the following Committee persons in attendance: Mayor Robert Green and Councilmembers Frank Darrah, Susan deBuhr, Kelly Dunn, Simon Harding, Daryl Kruse, Mark Miller and Dave Sires. Staff members from all City Departments and members of the community attended in person and teleconferenced in.

Mayor Green called the meeting to order and introduced the first item on the agenda, Cedar Falls Economic Development Corporation, and introduced Shane Graham, Economic Development Coordinator. Mr. Graham introduced Jim Brown, Cedar Falls Economic Development Corporation (CFEDC). Mr. Brown explained how the City will benefit from the partnership between CFEDC, including Grow Cedar Valley, Community Main Street, College Hill Partnership, Black Hawk County, and potentially others. The CFEDC has nonprofit status to provide grant funding and tax management assistance; the CFEDC will generate outside development leads. The CFEDC's goal is to have 15 entities donate \$10,000, totaling \$150,000. Potential projects recommended by the CFEDC range from single-family vacant lots to large scale development, usable land from school district and hospital, State & Federal road funds, University Avenue Corridor, Thunder Ridge future plans, College Hill development, and affordable housing options. CFEDC is requesting \$75,000 now and \$75,000 July 1, 2022. Mayor Green asked about cities with similar EDC projects that Mr. Brown has been inspired by and Mr. Brown gave an example of Marion and a development that took place. Councilmember deBuhr asked about the \$75,000 in the CIP; has it already been allocated and will the use of these funds cause us to be short. Mr. Gaines stated that it has not been slated for distribution and the City suggested this \$150,000 be spread over the two year time-frame and \$75,000 still remains in the economic development fund and \$150,000 has never been fully depleted. Councilmember Kruse asked if the fund will be replenished; Mr. Gaines stated it's an annual budget item and goes into the general fund if not used and gets replenished each fiscal year if used. Councilmember Dunn asked about the duplication of work that the City does with other entities; Mr. Brown stated that these would be collaborations. Councilmember Miller asked if this will affect the City's relationship with Grow Cedar Valley; Mr. Brown stated that Grow Cedar Valley will be notified and regular meetings will be held with the City, Grow Cedar Valley and the CFEDC. Councilmember Kruse asked if projects will include TIF; Mr. Brown stated yes. Councilmember Darrah would like to continue discussion during goal setting. Councilmember deBuhr motioned to move forward with \$75,000 now and review/consider the second \$75,000 in (goal setting) 2022. Councilmember Miller seconded. Motion carried. Attorney Rogers will prepare a contract/agreement for the initial \$75,000 for the October 4, 2021 Council meeting.

Mayor Green introduced the second item of the agenda, Political Campaigning on City Property, and introduced Kevin Rogers, City Attorney. Attorney Rogers distributed Administrative Policy No. 11. Attorney Rogers read Administrative Policy No. 11, item (11), (a) and (b) and stated these are adopted by staff as a guidance to implement ordinances, regulations, resolutions passed by Council. Attorney Rogers stated that normally Council is not involved in Administrative policy making, with the exemption of Administrative Policy No. 7 that governs Council's own procedure. Attorney Rogers referenced Iowa Code 68A.505; prohibits the expenditure of public funds for political purposes. This is statutory and a violation of this constitutes as misconduct in office. State regulations say that cities may not permit public resources to be used to advocate for or against a candidate or for or against a ballot issue. It's very clear that public monies are not to be used, however there's an exception to the state regulations that say candidate forums are okay and includes the following provision: "a person may reimburse a governmental body for the use of a public resource for a political purpose so long as it can be demonstrated to the board that the use of the resource was also for a public purpose or further to public interest." This exception would allow City facilities to be used for political campaign purposes. Attorney Rogers stated City Council can direct staff to amend

Administrative Policy No. 11 or establish an Ordinance. Councilmember deBuhr suggested adding (c) city parks are allowed for political campaign purposes from August-November, Noon-8 p.m.; Attorney Rogers stated yes that can be added. Councilmember Harding does not want to open this to national politics, only city campaigns. Attorney Rogers stated this could be problematic, because there's also State or Federal campaigns. Attorney Rogers explained the Public Event Permit process that is reviewed by City departments. Attorney Rogers explained if local residents are constituents, this will include local, Board of Supervisors, County, State, Federal and Presidential. Councilmember Sires asked to strike all of item (11); Attorney Rogers stated yes that's an option. Councilmember Dunn stated meeting in parks is a safe way to meet with residents during COVID. Mayor Green suggested an express permit for political campaigning in City parks and Councilmembers gave consensus. Councilmembers would like to discuss further and Attorney Rogers recommended discussion at goal setting. Councilmember deBuhr motioned to amend rule (11) by adding (c): City parks are allowed for political campaign purposes from August 10 – December 2 from Noon-8 p.m. Councilmember Miller seconded. Motion carried.

Mayor Green introduced the third item on the agenda, Wastewater Facility Project and ARPA Funds, and introduced Ron Gaines, City Administrator. Mr. Gaines reviewed the American Rescue Plan Act (ARPA); total payment to the City of Cedar Falls will be \$6,508,740, ½ in September of 2021 & the remaining in August of 2022. ARPA funds must be used in response to public health emergency or its negative economic impacts, premium pay for essential workers, replace public sector revenue loss, broadband and water or sanitary sewer. The City of Cedar Falls is recommending use of funds toward the sanitary sewer, which includes storm water. Councilmember Sires asked about using funds for streets; Mr. Gaines stated these monies can't be used for infrastructure. Mayor Green stated a majority of cities are using funds towards waste water. Councilmember Dunn asked about using funds for childcare/assisting parents; Mr. Gaines stated the City was given a narrow guideline for the ARPA funding, but other funding sources may be available for childcare/assisting parents. Mr. Gaines stated the City must produce a nutrient reduction strategy plan to reduce nitrogen and phosphorus in 2021; consensus at goal setting was to move forward with updating our nutrient reduction strategy plans to modify our existing facility. Our current plant is using outdated technology for nutrient removal. The City submitted a report to the Iowa Department of Natural Resources (IDNR) that included improvements in the conventional biological nutrient removal, new primary digester, new headworks, fermenter, blower buildings and order control. Mr. Gaines reviewed the project schedule and cost is estimated between \$12-\$18 million; design contract in Spring/Summer 2023; design begins July 2023; construction 2026-2029. Mr. Gaines reviewed the sewer rate study and financing of the project. The purpose of this study was to estimate increases in operating costs, review future large projects, determine necessary revenue stream and review debt coverage. Mr. Gaines reviewed the rate proposal for an average home, which would be a 7% rate increase for the next five years. Mr. Gaines showed a sewer rate study to compare the City of Cedar Falls to other cities. Mr. Gaines stated the City would like to use 6.5 million of ARPA funds for the sanitary and storm water infrastructure; the use of ARPA funds helps reduce rate increases for residential, commercial, industrial, and non-profits. The City will continue to seek additional ARPA funds through the State and Federal allocations. Mr. Gaines asked for a motion for the use of ARPA funds as presented tonight which include sanitary and storm water infrastructure and a motion for staff to begin drafting as ordinance to establish the sanitary sewer rate increase of 7% for the next five years. Councilmember deBuhr asked if the 6.5 million is included in the 7% increase and Mr. Gaines stated yes. Councilmember Darrah motioned for staff to begin drafting an ordinance to establish the sanitary sewer rate increase. Councilmember Harding seconded. Motion carried. Councilmember deBuhr motioned for use of ARPA funds for the sanitary and storm water infrastructure. Councilmember Kruse seconded. Motion carried.

There being no further discussion, Mayor Green adjourned the meeting at 7:00 p.m.

Minutes by Kim Kerr, Administrative Supervisor