

**COMMUNITY CENTER  
CEDAR FALLS, IOWA, JUNE 6, 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: Schultz.

53829 - It was moved by Harding and seconded by Kruse that the minutes of the Regular Meeting of May 16, 2022 be approved as presented and ordered of record. Motion carried unanimously.

53830 - Mayor Green read the following proclamations:

Proclamation recognizing June 6-12, 2022 as Iowa Museum Week. Cedar Falls Historical Society Board President David Welter and Fundraising Campaign Co-Chair Steve Bernard accepted and commented.

Proclamation recognizing June 19, 2022 as Juneteenth.

53831 - Rick Sharp, 1623 Birch Street, commented on the use of public safety officers and overtime costs for zero tolerance enforcement of fireworks.

53832 - Mayor Green announced that in accordance with the public notice of May 20, 2022, this was the time and place for a 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). It was then moved by Kruse and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

53833 - The Mayor then asked if there were any written communications filed to the proposed bond sale. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Finance & Business Operations Director Rodenbeck provided a brief summary of the proposed bond sale. There being no one else present wishing to speak about the proposed bond sale, the Mayor declared the hearing closed and passed to the next order of business.

53834 - It was moved by Kruse and seconded by Harding that Resolution #22,789, instituting proceedings to take additional action for the issuance of not to exceed \$3,200,000 General Obligation Capital Loan Notes for essential corporate purposes (ECP), be adopted. Following comments and questions by Councilmembers Sires, Harding and Dunn, and responses by Finance & Business Operations Director Rodenbeck, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Ganfield, Dunn. Nay: Sires. Motion Carried. The Mayor then declared Resolution #22,789 duly passed and adopted.

- 53835 - Mayor Green announced that in accordance with the public notice of May 20, 2022, this was the time and place for a 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). It was then moved by Kruse and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53836 - The Mayor then asked if there were any written communications filed to the proposed sale. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Finance & Business Operations Director Rodenbeck provided a brief summary of the proposed sale. There being no one else present wishing to speak about the proposed sale, the Mayor declared the hearing closed and passed to the next order of business.
- 53837 - It was moved by Harding and seconded by Dunn that Resolution #22,790, instituting proceedings to take additional action for the issuance of not to exceed \$600,000 General Obligation Capital Loan Notes for general corporate purposes (GCP-1), be adopted. Following comments and questions by Councilmembers Sires and Dunn, and Mayor Green, and responses by Finance & Business Operations Director Rodenbeck, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Ganfield, Dunn. Nay: Sires. Motion Carried. The Mayor then declared Resolution #22,790 duly passed and adopted.
- 53838 - Mayor Green announced that in accordance with the public notice of May 20, 2022, this was the time and place for a 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). It was then moved by Kruse and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53839 - The Mayor then asked if there were any written communications filed to the proposed sale. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Finance & Business Operations Director Rodenbeck provided a brief summary of the proposed sale. There being no one else present wishing to speak about the proposed sale, the Mayor declared the hearing closed and passed to the next order of business.
- 53840 - It was moved by Kruse and seconded by Harding that Resolution #22,791, instituting proceedings to take additional action for the issuance of not to exceed \$700,000 General Obligation Capital Loan Notes for general corporate purposes (GCP-2), be adopted. Following questions and comments by Councilmembers Ganfield, deBuhr and Sires, and Mayor Green, and responses by Finance & Business Operations Director Rodenbeck and Community Development Director Sheetz, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Ganfield, Dunn. Nay: Sires. Motion Carried. The Mayor then declared Resolution #22,791

duly passed and adopted.

- 53841 - Mayor Green announced that in accordance with the public notice of May 20, 2022, this was the time and place for a public hearing on proposed plans, specifications, form of contract & estimate of cost for the Center Street Corridor Streetscape Project. It was then moved by Kruse and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53842 - 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 a brief summary of the proposed project. Following supportive comments by Jim Newcomb, 407 Longview Street, the Mayor declared the hearing closed and passed to the next order of business.
- 53843 - It was moved by Kruse and seconded by deBuhr that Resolution #22,792, approving the plans, specifications, form of contract & estimate of cost for the Center Street Corridor Streetscape Project, be adopted. Following questions and comments by Councilmembers Ganfield, Dunn and deBuhr, and Mayor Green, and responses by Finance & Business Operations Director Rodenbeck 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #22,792 duly passed and adopted.
- 53844 - It was moved by Ganfield 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 third and final consideration. Tim Houts, 2128 Pleasant Drive, spoke in opposition to the proposed ordinance and noted June is PTSD month. Following questions and comments by Councilmembers deBuhr and Dunn, and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Harding, Ganfield, Sires, Dunn. Nay: deBuhr, Kruse. Motion carried.
- 53845 - It was moved by Harding and seconded by deBuhr that Ordinance #3012, amending Chapter 24, Utilities, of the Code of Ordinances, relative to storm water rates, be passed upon its second 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: deBuhr, Kruse, Harding, Ganfield, Dunn. Nay: Sires. Motion carried.
- 53846 - It was moved by Kruse and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Community Relations & Planning Committee minutes of May 16, 2022 relative to the following items:

a) Resilience Plan – Final Report.

b) River Placemaking Proposal & Destination Iowa Grant Opportunities.

Receive and file Departmental Monthly Reports of April 2022.

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

- a) B&B West, 3105 Hudson Road.
- b) Bani's, 2128 College Street.
- c) Cypress Lounge, 209 State Street Suite A.
- d) Dollar General Store, 2921 Center Street.
- e) Dollar General Store, 1922 Valley Park Drive.
- f) Fareway, 4500 South Main Street.
- g) Fareway, 214 North Magnolia Drive.
- h) Greenleaf Tobacco & Vapor, 5901 University Avenue.
- i) King Star, 2228 Lincoln Street.
- j) Metro Mart, 103 Franklin Street.
- k) Panther Travel Center, 1525 West Ridgeway Avenue.
- l) Suds, 2223 1/2 College Street.
- m) Walgreens, 2509 Whitetail Drive.

Approve the following applications for beer permits and liquor licenses:

- a) Kwik Star, 7500 Nordic Drive, Class C beer & Class B wine – renewal.
- b) Ari'z, 6301 University Avenue, Class C liquor – renewal.
- c) Famous Dave's, 6222 University Avenue, Class C liquor -renewal.
- d) Harry's Five and Dime, 123 Main Street, Class C liquor - renewal.
- e) Los Cabos Mexican Restaurant, 112-114 Main Street, Class C liquor & outdoor service - renewal.
- f) Mulligan's Brick Oven Grill & Pub, 205 East 18th Street, Class C liquor & outdoor service - renewal.
- g) Casey's General Store, 5908 Nordic Drive, Class E liquor - renewal.
- h) Mini-mart, 1420 West 1st Street, Class E liquor – renewal.
- i) Prime Mart, 2323 Main Street, Class E liquor - renewal.
- j) Target, 214 Viking Plaza Drive, Class E liquor – change in ownership.
- k) Sturgis Falls Celebration, Gateway Park, Class B beer & outdoor service - 5-day permit.

Motion carried unanimously.

53847 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,793, approving and adopting the City's FY2023 Fee Schedule.

Resolution #22,794, approving and adopting a revised job classification for the position of Public Works & Parks Supervisor.

Resolution #22,795, approving and accepting a Quit Claim Deed, in conjunction with the 1985 transfer of jurisdiction of University Avenue (f/n/a U.S. Highway 57), from the west City limits to Hudson Road.

Resolution #22,796, approving and accepting a Quit Claim Deed, in conjunction

with the 1986 transfer of jurisdiction of Hudson Road (f/n/a U.S. Highway 57), from University Avenue to West 1st Street.

Resolution #22,797, designating the dates and locations for the annual Sturgis Falls Celebration and Cedar Basin Music Festival.

Resolution #22,798, approving and authorizing execution of an Agreement for Lease of Artwork with Amelia Gotera relative to placement of a sculpture at 311 Main Street.

Resolution #22,799, approving and authorizing execution of an Agreement in Support of the Cedar Falls Historical Society relative to an FY2023 Community Betterment Grant.

Resolution #22,800, approving and authorizing execution of an Agreement in Support of the Cedar Valley Soccer Club relative to an FY2023 Community Betterment Grant.

Resolution #22,801, approving and authorizing execution of an Agreement in Support of the College Hill Partnership relative to an FY2023 Community Betterment Grant.

Resolution #22,802, approving and authorizing execution of an Agreement in Support of Grow Cedar Valley relative to an FY2023 Community Betterment Grant.

Resolution #22,803, approving and authorizing execution of an Agreement in Support of the Volunteer Center of Cedar Valley relative to an FY2023 Community Betterment Grant.

Resolution #22,804, approving and authorizing execution of an Agreement in Support of the Waterloo-Cedar Falls Symphony relative to an FY2023 Community Betterment Grant.

Resolution #22,805, approving an amendment to the Pinnacle Prairie Master Plan, amending the use of Lot 16 and Lots 21 thru 31 in the Pinnacle Business Center North Subdivision from Mixed Use and Multi-Family to Western Home.

Resolution #22,806, approving and authorizing execution of an Owner Purchase Agreement, and approving and accepting a Temporary Construction Easement, in conjunction with the Center Street Corridor Streetscape Project.

Resolution #22,807, approving and authorizing execution of Supplemental Agreement No. 4 to the Professional Service Agreement with Snyder & Associates, Inc. for engineering services relative to the Cedar Heights Drive Reconstruction Project.

Resolution #22,808, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the 2020 Street Construction project, and approving and authorizing the transfer of funds from the Street Construction Fund, GO 2020 and Sanitary Sewer Rental Fund to the Street Repair Fund

(LOST).

Resolution #22,809, approving and accepting the contract and bond of Owen Contracting, Inc. for the 2022 Alley Reconstruction Project.

Resolution #22,810, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with Dupaco Community Credit Union relative to a post-construction stormwater management plan for 126 Brandilynn Boulevard.

Resolution #22,811, receiving and filing, and setting June 20, 2022 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2022 University Avenue Biocell Project.

Resolution #22,812, receiving and filing, and setting June 20, 2022 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2022 Seal Coat Project.

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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #22,793 through #22,812 duly passed and adopted.

- 53848 - It was moved by Dunn and seconded by Harding that Resolution #22,813, approving and adopting the FY2023 Payroll Resolution, be adopted. Following comments and questions by Councilmember Sires and Ganfield, and responses by Finance & Business Operations Director Rodenbeck and City Administrator Gaines, and comments by Rick Sharp, 1623 Birch Street, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #22,813 duly passed and adopted.
- 53849 - It was moved by Kruse and seconded by Harding that Resolution #22,814, approving and accepting a Settlement Agreement, Agreement Regarding Driveway Approach to Ashworth Drive, Purchase and Sale Agreement, Warranty Deed, Public Utility Easement and Temporary Construction Easement Agreement, and approving the Form of the Termination Agreement for Easement and Release of Right-of-Way Easement, all in conjunction with the Ashworth Drive Extension Project, be adopted. Following opposing comments by Lisa Johnson, 4923 Hudson Road, and supportive comments by Dave Nicol, 3019 Lovejoy Drive, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #22,814 duly passed and adopted.
- 53850 - It was moved by Kruse and seconded by deBuhr that Resolution #22,815, approving a revised preliminary plat of West Fork Crossing, be adopted. Following questions by Councilmembers deBuhr and Kruse, and responses by

Community Development Director Sheetz and 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #22,815 duly passed and adopted.

53851 - It was moved by Kruse and seconded by Harding that the bills and claims of June 6, 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

53852 - It was moved by Kruse and seconded by deBuhr discussion of Code Section 26-196, c-4-c, relative to the time of day being specified for shared parking, be added to his previous referral relative to shared parking downtown, and to move discussion up on the committee schedule. Following comments and questions by City Attorney Rogers, Community Development Director Sheetz, City Administrator Gaines and Mayor Green, Councilmembers Harding, deBuhr, Dunn, and Kruse, and additional responses by Mayor Green, Rogers and Sheetz, the motion carried 4-2, with Harding and Dunn voting Nay.

It was moved by Ganfield and seconded by Dunn to refer to Administration Committee discussion of Administrative Policy No. 7 relative to adding an additional public forum to end of agenda, process of council referrals, and other potential revisions. Following questions by Councilmembers deBuhr and Kruse, and response by Councilmember Ganfield, the motion carried 5-1, with deBuhr voting Nay.

53853 - City Administrator Gaines provided information about publicity planned following the adoption of the fireworks ordinance. Public Safety is working on plans for zero tolerance enforcement.

Gaines also responded to Mayor Green's question regarding changes at the Aquatic Center, and Councilmember Dunn commented about it as well.

53854 - It was moved by Kruse and seconded by Ganfield that the meeting be adjourned at 9:01 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk