

**CITY HALL
CEDAR FALLS, IOWA, NOVEMBER 7, 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 7:07 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Ganfield, Sires, Dunn. Absent: Harding. Veterans Commission Representative Mike Butler led the Pledge of Allegiance.

54018 - It was moved by Ganfield and seconded by Dunn that the minutes of the Regular Meeting of October 17, 2022 be approved as presented and ordered of record. Motion carried unanimously.

54019 - Mayor Green recognized Mardy Holst and presented him with a Distinguished Service Award for his service on the Planning and Zoning Commission. Mr. Holst commented.

Mayor Green then read the following proclamations:

Proclamation recognizing November 11, 2022 as Veterans Day. Veterans Commission Representative Mike Butler accepted and commented. Mr. Butler provided details on "Operation Green Light" to shine a light on veterans' needs.

Proclamation recognizing November 2022 as Native American Heritage Month and November 25, 2022 as Native American Heritage Day. Human Rights Commissioner Sonja Bock accepted and commented. Ms. Bock provided details on an event at the Cedar Falls Public Library on November 17 at 6:30 PM.

54020 - Randal Meyer, 202 North Magnolia Drive, commented on the UNI fundraising presentation from a prior Committee meeting and spoke in support of the UNI West Gym. Mr. Meyer requested that Council discuss the West Gym during Goal Setting.

Mayor Green responded to a question by Rick Sharp, 1623 Birch Street, regarding reasons the city doesn't televise Council goal setting sessions.

T.J. Frein, 1319 Austin Way, commented on prioritizing projects due to the current economy and requested no increase in overall spending.

54021 - Mayor Green announced that in accordance with the public notice of October 28, 2022, this was the time and place for a public hearing on the proposed plans, specifications and forms of contract & estimate of cost for the Main Street Reconstruction Project. It was then moved by Kruse and seconded by Schultz that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

54022 - 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 summary of the proposed project and presented a short video. Following a question by Rick Sharp, 1623 Birch Street, the Mayor declared the hearing closed and passed to the next order of business.

- 54023 - It was moved by Dunn and seconded by Kruse that Resolution #22,943, approving and adopting the plans specifications form of contract & estimate of cost for the Main Street Reconstruction Project, be adopted. Following a response to Mr. Sharp's question by City Administrator Gaines, and questions and comments by Councilmembers Schultz, Kruse, Sires, Ganfield, Dunn, and deBuhr, and responses by City Engineer Wicke, Public Works Director Schrage, Mayor Green, and Gaines, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Ganfield, Dunn, Schultz, Kruse. Nay: Sires, deBuhr. Motion carried. The Mayor then declared Resolution #22,943 duly passed and adopted.
- 54024 - Mayor Green announced that in accordance with the public notice of October 28, 2022, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Cedar River Recreational Improvements Project. It was then moved by Kruse and seconded by Dunn that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54025 - 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 summary of the proposed project. There being no one else present wishing to speak about the project, the Mayor declared the hearing closed and passed to the next order of business.
- 54026 - It was moved by Kruse and seconded by Ganfield that Resolution #22,944, approving and adopting the plans specifications form of contract & estimate of cost for the Cedar River Recreational Improvements Project, be adopted. Following questions and comments by Councilmembers deBuhr, Dunn and Kruse, and responses by City Engineer Wicke, Community Development Director Sheetz, City Administrator Gaines and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Ganfield, Sires, Dunn, Schultz, deBuhr, Kruse. Nay: None. Motion carried. The Mayor then declared Resolution #22,944 duly passed and adopted.
- 54027 - Mayor Green announced that in accordance with the public notice of October 28, 2022, this was the time and place for a public hearing on a proposal to vacate portions of an existing sanitary sewer easement located at 3718 Apollo Lane. It was then moved by Kruse and seconded by Ganfield that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54028 - The Mayor then asked if there were any written communications filed to the proposed proposal. 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 proposal. There being no one else present wishing to speak about the proposal, the Mayor declared the hearing closed and passed to the next order of business.

- 54029 - It was moved by Ganfield and seconded by Kruse that Resolution #22,945, vacating portions of an existing sanitary sewer easement located at 3718 Apollo Lane, be adopted. Following a question by Councilmember Ganfield and response 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: Ganfield, Sires, Dunn, Schultz, deBuhr, Kruse. Nay: None. Motion carried. The Mayor then declared Resolution #22,945 duly passed and adopted.
- 54030 - Mayor Green announced that in accordance with the public notice of October 28, 2022, this was the time and place for a public hearing on the City's FFY21 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Programs. It was then moved by Kruse and seconded by Ganfield that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54031 - The Mayor then asked if there were any written communications filed to the proposed report. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planning & Community Services Manager Howard commented on the proposed report and requested that the public hearing be continued. It was then moved by deBuhr and seconded by Kruse to continue the hearing to the November 21, 2022 City Council meeting. Motion carried unanimously.
- 54032 - It was moved by Ganfield and seconded by Kruse that Ordinance #3018, amending Chapter 24, Utilities, of the Code of Ordinances relative to establishing the 27th Street Sanitary Sewer Extension District, 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: Ganfield, Sires, Dunn, Schultz, deBuhr, Kruse. Nay: None. Motion carried. The Mayor then declared Ordinance #3018 duly passed and adopted.
- 54033 - It was moved by Ganfield and seconded by Kruse that Ordinance #3019, amending Chapter 16, Offenses and Miscellaneous Provisions, of the Code of Ordinances relative to use of consumer fireworks within the City limits, be passed upon its second consideration. Following comments by Councilmember Ganfield, it was moved by Ganfield and seconded by Sires to amend the motion by removing July 3rd and allowing use on July 4th from 9 AM – 11 PM with the option to add additional days by resolution. Following comments by Councilmembers Sires, Kruse, Schultz, Dunn, deBuhr and Ganfield, the motion carried 5-1, with Dunn voting Nay. It was then moved by Dunn and seconded by deBuhr to amend the motion to include a maximum of 2 additional days of allowed use. Following questions and comments by Councilmembers Schultz,

Dunn, Kruse and Ganfield, the motion failed 3-3, with Ganfield, Sires and Kruse voting Nay. Following comments by Rick Sharp, 1623 Birch Street, the Mayor put the question on the original motion as amended and upon call of the roll, the following named Councilmembers voted. Aye: Ganfield, Sires, Schultz, deBuhr, Kruse. Nay: Dunn. Motion carried for passage of new Ordinance #3020 upon its first consideration.

54034 - It was moved by Kruse and seconded by Sires that Ordinance #3021 amending Section 18-23(5), Powers and duties of the Planning and Zoning Commission, of the Code of Ordinances relative to removing 2/3 majority vote required by City Council to approve amendments to the City's comprehensive plan that are disapproved by the Planning and Zoning Commission, upon its first consideration. Following comments by Councilmembers deBuhr, Ganfield, Sires and Kruse, and responses by Community Development Director Sheetz and City Attorney Rogers, it was moved by Ganfield and seconded by deBuhr to amend the motion to keep 2/3 majority requirement for Planning and Zoning but remove 2/3 majority requirement for Council. Motion carried 5-1, with Dunn voting Nay. The Mayor then put the question on the original motion as amended and upon call of the roll, the following named Councilmembers voted. Aye: Ganfield, Sires, Schultz, deBuhr, Kruse. Nay: Dunn. Motion carried.

54035 - It was moved by Kruse and seconded by Ganfield that Ordinance #3022 amending Chapter 26, Zoning, of the Code of Ordinances relative to removing the 2/3 majority vote required by City Council to approve zoning amendments that are disapproved by the Planning and Zoning Commission, upon its first consideration. Following questions and comments by Councilmembers Ganfield, Kruse, Dunn and Sires, and responses by City Attorney Rogers, Community Development Director Sheetz and Mayor Green, the Mayor then put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Ganfield, Sires, Schultz, deBuhr, Kruse. Nay: Dunn. Motion carried.

The Mayor announced a short recess from 9:06 PM to 9:15 PM

54036 - It was moved by Kruse and seconded by Ganfield that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Standing Committee minutes of October 17, 2022 relative to the following items:

- a) Human Rights Commission Annual Report.
- b) Council Meeting Procedures - Order of Agenda (Rule 3.1) and Miscellaneous Administrative Corrections.
- c) UNI Dome Fundraising.

Receive and file the resignation of Katelyn Browne as a member of the Library Board of Trustees.

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

- a) Michael Graziano, Library Board of Trustees, term ending 06/30/2028.

b) Lindi Roelofse, Library Board of Trustees, term ending 06/30/2028.

Receive and file Departmental Monthly Reports of September 2022.

Receive and file the FY2022 Street Financial Report (SFR) for the City.

Receive and file the FY2022 Annual Comprehensive Financial Report.

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

Approve the following applications for beer permits and liquor licenses:

- a) Alist Nails, 6015 University Avenue, Special Class C liquor – renewal.
- b) Peppers Grill & Sports Pub, 620 East 18th Street, Class C liquor - renewal.
- c) The Brown Bottle, 1111 Center Street, Class C liquor & outdoor service - renewal.

Motion carried unanimously.

54037 - It was moved by Kruse and seconded by Dunn that the following resolutions be introduced and adopted:

Resolution #22,946, approving and adopting revised City Council Meeting Procedures.

Resolution #22,947, authorizing certification of eligible expenses for reimbursement from the College Hill, Downtown, Pinnacle Prairie, South Cedar Falls, and Unified Tax Increment Financing Revenues.

Resolution #22,948, approving and authorizing an inter-fund loan from the Tax Increment Financing (TIF) Bond Fund to the Tax Increment Financing (TIF) Fund relative to funding for the parking lot overlay project costs in the College Hill Urban Renewal Area.

Resolution #22,949, approving and authorizing an inter-fund loan from the Stormwater Fund to the Tax Increment Financing (TIF) Fund relative to funding for the Olive Street Box Culvert project costs in the College Hill Urban Renewal Area.

Resolution #22,950, approving and authorizing an inter-fund loan from the Tax Increment Financing (TIF) Bond Fund to the Tax Increment Financing (TIF) Fund relative to funding for the Prairie Parkway & Viking Road intersection improvements and Pinnacle Prairie round-a-bout intersection improvements in the Pinnacle Prairie Urban Renewal Area.

Resolution #22,951, approving and authorizing an inter-fund loan from the Tax Increment Financing (TIF) Bond Fund to the Tax Increment Financing (TIF) Fund relative to funding for the Cyber Lane and Hudson Road & Ridgeway Avenue intersection improvements in the South Cedar Falls Urban Renewal Area.

Resolution #22,952, approving and authorizing an inter-fund loan from the

Economic Development Fund to the Tax Increment Financing (TIF) Fund relative to funding for the purchase of land and related expenses in the South Cedar Falls Urban Renewal Area.

Resolution #22,953, approving and authorizing an inter-fund loan from the Tax Increment Financing (TIF) Bond Fund to the Tax Increment Financing (TIF) Fund relative to funding for legal fees, construction costs, design costs, brick costs, utility costs, reimbursement payments, landscaping costs, easement costs and other project costs related to the Downtown Streetscape Project in the Downtown Urban Renewal Area.

Resolution #22,954, approving and authorizing an inter-fund loan from the Tax Increment Financing (TIF) Bond Fund to the Tax Increment Financing (TIF) Fund relative to funding for the West Viking Road, Industrial Park Street Expansion, and other administrative and legal fees in the Unified Urban Renewal Area.

Resolution #22,955, approving and authorizing an inter-fund loan from the Economic Development Fund to the Tax Increment Financing (TIF) Fund relative to funding for the purchase of land and related expenses in the Unified Urban Renewal Area.

Resolution #22,956, approving and authorizing submission of the City's FY2022 Annual Urban Renewal Report.

Resolution #22,957, levying a final assessment for costs incurred by the City to mow the property located at 1014 West 9th Street.

Resolution #22,958, levying a final assessment for costs incurred by the City to mow the property located at 1210 West 19th Street.

Resolution #22,959, levying a final assessment for costs incurred by the City to mow the property located at 3120 Homeway Drive.

Resolution #22,960, levying a final assessment for costs incurred by the City to mow the property located at 8702 University Avenue.

Resolution #22,961, approving and authorizing execution of a 28E Agreement for Tobacco, Alternative Nicotine and Vapor Product Enforcement with the Iowa Alcoholic Beverages Division.

Resolution #22,962, approving and authorizing execution of an Offer to Buy Real Estate and Acceptance for 2.5 acres of real estate located at 2617 South Union Road relative to expansion of the West Viking Road Industrial Park.

Resolution #22,963, approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for facade improvements at 817 West 23rd Street.

Resolution #22,964, approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for construction of a detached garage at 924 West 19th Street.

Resolution #22,965, approving and authorizing execution of an Agreement for

Asbestos Abatement with Advanced Environmental Inc., in conjunction with the Northern Cedar Falls Flood Buyout Program.

Resolution #22,966, approving and authorizing a First Amendment to the Subrecipient Agreement for Federally Funded Project with the Northeast Iowa Food Bank for Community Development Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #22,967, approving and authorizing execution of a Repair Contract with Daniels Home Improvement & Construction Co. relative to a Community Development Block Grant (CDBG) Rental Rehabilitation Project at 1009 West 3rd Street.

Resolution #22,968, approving the final plat of Terraces at West Glen Second Addition.

Resolution #22,969, approving and accepting completion of public improvements in Terraces at West Glen Second Addition.

Resolution #22,970, approving the Certificate of Completion and accepting the work of Benton's Sand and Gravel Inc. for the 2021 Permeable Alley Project.

Resolution #22,971, approving and authorizing execution of Supplemental Agreement No. 2 to the Professional Service Agreement with AECOM Technical Services, Inc. relative to the Olive Street Box Culvert Replacement Project.

Resolution #22,972, approving expenditure of funds for the purchase of a utility/cargo van for the Public Works Department.

Resolution #22,973, setting November 21, 2022 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 CF Storage, L.L.C.

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: Ganfield, Sires, Dunn, Schultz, deBuhr, Kruse. Nay: None. Motion carried. The Mayor then declared Resolutions #22,946 through #22,973 duly passed and adopted.

54038- It was moved by Kruse and seconded by Ganfield that Resolution #22,974, approving the recommendation and appointment of Police Chief, be adopted. Following supportive comments by Councilmembers Schultz and Ganfield, Paul Rider, 3422 Clearview Drive, and Mayor Green, and response by Acting Police Chief Mark Howard, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Ganfield, Sires, Dunn, Schultz, deBuhr, Kruse. Nay: None. Motion Carried. The Mayor then declared Resolution #22,974 duly passed and adopted.

54039 - It was moved by Ganfield and seconded by deBuhr that the bills and claims of November 7, 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: Ganfield, Sires, Dunn, Schultz, deBuhr, Kruse. Nay: None. Motion carried.

54040 - It was moved by Kruse and seconded by Schultz to refer to the Public Works Committee a cost/benefit analysis of a mini 3-leg roundabout at 6th and Main Streets. Following questions and comments by Mayor Green, Councilmembers Kruse, Dunn, Schultz and deBuhr, and responses by City Administrator Gaines, City Engineer Wicke, Foth Infrastructure & Environment, LLC Senior Client Manager Aaron Moniza, PE, and Public Works Director Schrage, the motion failed 3-3, with deBuhr, Sires and Dunn voting Nay.

54041 - It was moved by Ganfield and seconded by Kruse to adjourn to Executive Session to discuss Information contained in records in the custody of a governmental body that are confidential records pursuant to Iowa Code Section 22.7(50). Upon call of the roll, the following named Councilmembers voted. Aye: Ganfield, Sires, Dunn, Schultz, deBuhr, Kruse. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 9:40 P.M.

Mayor Green reconvened the Council meeting at 10:04 P.M.

54042 - It was moved by Kruse and seconded by Sires that the meeting be adjourned at 10:05 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk