

**CITY HALL
CEDAR FALLS, IOWA, JUNE 5, 2023
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 7:36 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

54321 - It was moved by Ganfield and seconded by Dunn that the minutes of the Regular Meeting of May 15, 2023 be approved as presented and ordered of record. Motion carried unanimously.

54322 - Police Chief Mark Howard accepted a plaque on behalf of Cedar Falls Public Safety from Ferizaj, Kosovo Director of Police and presented by Mayor Green in recognition of friendship between cities.

54323 - Mayor requested and City Council agreed by consensus to only require the name and city of speakers.

Rosemary Beach, Cedar Falls, commented on the need for public restrooms.

Pastor Jeff Ream, 815 Orchard Drive, introduced his church as non-denominational and commented on their desire to partner with the city on community projects.

54324 - Public Works Director Schrage announced QR codes that include links to parking and public restroom locations downtown, have been placed on the municipal lot parking signs.

54325 - Mayor Green announced that in accordance with the public notice of May 19, 2023, this was the time and place for a public hearing to consider entering into an Agreement for Private Development, and to consider conveyance of certain city-owned real estate to Technology Pkwy Properties, LLC. It was then moved by Ganfield and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

54326 - The Mayor then asked if there were any written communications filed to the proposal. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham provided a summary of the 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.

54327 - It was moved by Kruse and seconded by Harding that Resolution #23,187, approving and authorizing execution of an Agreement for Private Development; and approving and authorizing execution of a Deed Without Warranty, conveying

certain city-owned real estate to Technology Pkwy Properties, LLC, be adopted. Following comments and questions by Councilmembers Sires, Ganfield and Schultz, and Mayor Green, and responses by Economic Development Coordinator Graham and Developer Adam Haynes, the Mayor 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 then declared Resolution #23,187 duly passed and adopted.

- 54328 - Mayor Green announced that in accordance with the public notice of May 19, 2023, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2023 Sidewalk Assessment Project - Zone 1. It was then moved by Ganfield and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54329 - The Mayor then asked if there were any written communications filed to the proposed project. Upon being advised that there was one written communication 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.
- 54330 - It was moved by Kruse and seconded by Harding that Resolution #23,188, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2023 Sidewalk Assessment Project - Zone 1, be adopted. Following questions and comments by Councilmembers Ganfield, Harding, Kruse and deBuhr, and Mayor Green, and responses by City Engineer Wicke, the Mayor 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 then declared Resolution #23,188 duly passed and adopted.
- 54331 - It was moved by Kruse and seconded by Dunn that Ordinance #3030, vacating certain public right-of-way along Hudson Road, 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.
- 54332 - It was moved by Dunn and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Standing Committee minutes of May 15, 2023 relative to the following items:

- a) Presentation on potential Emeritus Program for former city elected officials.
- b) Request for no parking on portion of Bluebell Road.

Receive and file the Mayor's communication relative to an Agreement Between the Sister Cities, the City of Ferizaj (Republic of Kosovo) and the City of Cedar Falls.

Receive and file the following resignation of members from Boards and Commissions:

a) Kendra Wohlert, Art & Culture Board.

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

- a) Donna Mallin, Human Rights Commission, term ending 07/01/2026.
- b) Julie Kliegl, Human Rights Commission, term ending 07/01/2026.
- c) Alan Stalnaker, Parks & Recreation Commission, term ending 06/30/2026.
- d) Erik Blanchard, Parks & Recreation Commission, term ending 06/30/2026.

Receive and file communications from the Civil Service Commission relative to the following certified lists:

- a) Maintenance Worker.
- b) Water Reclamation Supervisor.

Receive and file Departmental Monthly Reports of April 2023.

Approve a request by Cedar Falls Utilities for a temporary variance from Section 15-83 of the Code of Ordinances, Prohibited noises generally, to allow painting of a water tower to occur on Sundays.

Receive and file Dismissal of a third tobacco violation for Cedar Sky, Inc., d/b/a Bani's, 2128 College Street.

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 #14412, 2921 Center Street.
- e) Dollar General #21239, 1922 Valley Park Drive.
- f) Posh Smoke and Vape, 6322 University Avenue, Suite L.
- g) Suds, 2223 1/2 College Street.
- h) The Landmark, 107 Main Street.
- i) Thunder Ridge Ampride, 2425 Whitetail Drive.
- j) Up in Smoke, 2218 College Street.
- k) Walgreens #10557, 2509 Whitetail Drive.

Approve the following applications for retail alcohol licenses:

- a) NewAldaya Lifescapes, 7511 University Avenue, Class F retail alcohol & outdoor service – renewal.
- b) Harry's Five and Dime, 123 Main Street, Class C retail alcohol – renewal.
- c) Los Cabos Mexican Restaurant, 112-114 Main Street, Class C retail alcohol & outdoor service – renewal.
- d) Montage, 222-224 Main Street, Class C retail alcohol & outdoor service – renewal.

- e) The Other Place, 209 Main Street, Class C retail alcohol – renewal.
- f) Casey's General Store, 5226 University Avenue, Class E retail alcohol – renewal.
- g) Prime Mart, 2323 Main Street, Class E retail alcohol – renewal.
- h) The Other Place, 209 Main Street, Class C retail alcohol – change in ownership.
- i) Casey's General Store, 5226 University Avenue, Class E retail alcohol – change in ownership.
- j) River Place Plaza, 200 East 2nd Street – Plaza, Special Class C retail alcohol & outdoor service – temporary expansion of outdoor service area. (August 26, 2023)
- k) Whiskey Road Tavern & Grill, 402 Main Street, Class C retail alcohol & outdoor service – sidewalk cafe.
- l) Wilbo, 118 Main Street, Class C retail alcohol & outdoor service – sidewalk cafe.

Motion carried unanimously.

- 54333 - It was moved by Dunn and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #23,189, approving and authorizing execution of a Banking Services Agreement with Farmers State Bank.

Resolution #23,190, levying a final assessment for costs incurred by the City to remove snow and ice from the sidewalks abutting the property located at 603 Fireside Drive.

Resolution #23,191, levying a final assessment for costs incurred by the City to remove snow and ice from the sidewalks abutting the property located at 1322 Franklin Street.

Resolution #23,192, approving and authorizing execution of an Easement Agreement, in conjunction with a sidewalk café at 118 Main Street.

Resolution #23,193, approving and authorizing execution of a Service Order Form with USCC Services, LLC (Uscellular) relative to cellular service for city-owned tablets.

Resolution #23,194, approving and authorizing execution of an Infrastructure Development Agreement and Intercreditor Agreement, and approving and accepting a Real Estate Mortgage from Panther Farms, LLC relative to construction of street connections in the vicinity of Aldrich Elementary School.

Resolution #23,195, approving and authorizing expenditure of funds for the purchase of foam densifying recycling equipment for the Refuse Section.

Resolution #23,196, approving and authorizing expenditure of funds for the purchase of a mini excavator for the Street Section.

Resolution #23,197, approving and authorizing execution of an Agreement

Regarding Light Pole Relocation at 4923 Hudson Road, in conjunction with the Ashworth Drive Extension Project.

Resolution #23,198, approving and accepting the contract and bond of Dave Schmitt Construction Co. Inc. for the North Cedar Heights Area Reconstruction Project – Phase 1A.

Resolution #23,199, approving and accepting three Warranty Deeds, in conjunction with the North Cedar Heights Area Reconstruction Project.

Resolution #23,200, approving and authorizing execution of a Professional Service Agreement with Strand Associates, Inc. relative to development of the 2023 Stormwater Master Plan.

Resolution #23,201, approving and authorizing execution of a Professional Service Agreement with Snyder & Associates, Inc. for design services relative to the Prairie Parkway and Viking Road Intersection Improvements Project.

Resolution #23,202, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with KL Iowa 01, LLC, relative to a post-construction stormwater management plan for 6313 Production Drive.

Resolution #23,203, receiving and filing the bids, and approving and accepting the bid of Blacktop Service Co., in the amount of \$191,607.50, being the only bid received for the 2023 Seal Coat Project.

Resolution #23,204, receiving and filing the bids, and approving and accepting the bid of Vieth Construction Corp., in the amount of \$255,451.50, being the lowest bid received for the 2023 Alley Reconstruction Project.

Resolution #23,205, approving and authorizing execution of an Agreement in Support of the Cedar Falls Historical Society for FY2024 Tourism Activities & Economic Development Services Funding.

Resolution #23,206, approving and authorizing execution of an Agreement with Peters Construction Corporation to repair a damaged wall at Pheasant Ridge Golf Course Pro Shop.

Resolution #23,207, approving and authorizing execution of a Land Maintenance Agreement with Thomas Greiner relative to maintaining undeveloped land recently acquired by the City.

Resolution #23,208, approving a Cedar Falls Utilities Communications Utility Installation or Relocation Project in the Cedar Falls Unified Highway 58 Corridor Urban Renewal Area.

Resolution #23,209, approving a Cedar Falls Utilities Electric Utility Installation or Relocation Project in the Cedar Falls Unified Highway 58 Corridor Urban Renewal Area.

Resolution #23,210, approving a Cedar Falls Utilities Gas Utility Installation or

Relocation Project in the Cedar Falls Unified Highway 58 Corridor Urban Renewal Area.

Resolution #23,211, approving and authorizing execution of a Forgivable Loan Agreement relative to a Community Development Block Grant (CDBG) Rental Rehabilitation Project at 1009 West 3rd Street.

Resolution #23,212, approving and authorizing execution of a Repair Contract with Daniels Home Improvement relative to a Community Development Block Grant (CDBG) Rental Rehabilitation Project at 1009 West 3rd Street.

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, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #23,189 through #23,212 duly passed and adopted.

54334 - It was moved by Ganfield and seconded by Dunn that Resolution #23,213, approving the recommendation and appointment of Fire Chief, be adopted. Following supportive comments by Councilmembers Schultz, Ganfield and Sires, Mayor Green, and Cedar Falls resident Josh Wilson, and response by Acting Fire Chief Zolondek, the Mayor 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 then declared Resolution #23,213 duly passed and adopted.

54335 - It was moved by Ganfield and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #23,214, setting June 19, 2023 as the date of public hearing on the proposed rezoning from C-1, Commercial District to PC-2, Planned Commercial District of property located at 702 LeClair Street; and also on an associated amendment to the Land Use Map by changing the designation from Low Density Residential to Neighborhood Commercial and Mixed Use.

Resolution #23,215, setting June 19, 2023 as the date of public hearing on proposed amendments to Chapter 26, Zoning, relative to allowance of vinyl siding on certain residential structures in the Neighborhood Frontages within the CD-DT, Downtown Character District.

It was then moved by Ganfield and seconded by Schultz to amend the motions to reschedule the hearings to June 20th due to the Juneteenth holiday. Motion carried unanimously. The Mayor then put the question on the original motions as amended, 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 then declared Resolutions #23,214 and #23,215 duly passed and adopted.

- 54336 - It was moved by Kruse and seconded by Harding that the bills and claims of June 5, 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.
- 54337 - Community Development Director Sheetz responded to a question by Councilmember Ganfield regarding an update on restrooms downtown.
- 54338 - It was moved by Dunn and seconded by Kruse that the meeting be adjourned at 8:18 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk