

**CITY HALL  
CEDAR FALLS, IOWA, SEPTEMBER 18, 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 7:00 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

54453 - It was moved by Kruse and seconded by Schultz that the minutes of the Regular Meeting of September 5, 2023 be approved as presented and ordered of record. Motion carried unanimously.

54454 - Mayor Green read the following proclamations:

Proclamation recognizing September 23, 2023 as Women in Politics Day. Miss Black Hawk Valley Josie Hove commented.

Proclamation recognizing October 1-7, 2023 as Earth Science Week. BMC Aggregates Geologist Sherm Lundy and University of Northern Iowa student Jacob Campbell commented on the dangers of radon gas and provided details on "Sunday at the Quarry" in Waterloo on October 1 from 10AM-4PM.

54455 - John Mershon, Cedar Falls, commented on safety concerns at the intersection of 12th and Clay Street regarding enforcing the speed limit and a safe crosswalk. Mayor Green and Councilmember Sires commented.

Pastor Larry Stumme, St. Paul Lutheran Church Cedar Falls, commented on statistics from 2018 listing the Waterloo/Cedar Falls area as the worst place for blacks to live in the United States and presented pictures of dilapidated buildings and asked for help from the city.

Donna Bash, Cedar Falls, commented on safety concerns at the Gateway Park ice skating rink and asked for a separate rink for ice skaters. Mayor Green and City Administrator Gaines responded.

Rachel Mershon, Cedar Falls, commented on the speed limit and safety concerns on 12th Street and requested a flashing 4-way stop sign and a marked crosswalk at the intersection of 12th and Clay Streets.

Terry Vietor, Cedar Falls, expressed concerns with the speed limit, large trucks and other safety concerns on 12th Street and requested a 4-way stop sign.

Reverend Michael Blackwell, Cedar Falls, spoke about racism and the need for action in Cedar Falls.

- 54456 - Public Works Director Schrage announced that the Downtown Streetscape Project received the 2023 Outstanding Civil Engineering Achievement Award from the American Society of Civil Engineers.

Community Development Director Sheetz announced the Groundbreaking Ceremony for the Cedar River Recreation Project is being held on Tuesday, October 19<sup>th</sup> at Gateway Park.

- 54457 - Mayor Green announced that in accordance with the public notice of September 9, 2023, this was the time and place for a public hearing to consider conveyance of certain city-owned real estate located adjacent to 6317 Development Drive to KATZ Properties, LLC. 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.
- 54458 - The Mayor then asked if there were any written communications filed to the proposed conveyance. 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 proposed conveyance. There being no one else present wishing to speak about the proposed conveyance, the Mayor declared the hearing closed and passed to the next order of business.
- 54459 - It was moved by Harding and seconded by Dunn that Resolution #23,312, approving and authorizing execution of a Quit Claim Deed conveying title of certain city-owned real estate located adjacent to 6317 Development Drive to KATZ Properties, LLC, be adopted. 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 Resolution #23,312 duly passed and adopted.
- 54460 - It was moved by deBuhr and seconded by Ganfield that Ordinance #3041, amending Chapter 26, Zoning, of the Code of Ordinances relative to parking requirements for institutional uses in the Downtown Character District (CD-DT), be passed upon its third and final consideration. Following a supportive comment by Roger Kueter, Cedar Falls, 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. Nay: Dunn. Motion carried. The Mayor then declared Ordinance #3041 duly passed and adopted.
- 54461- It was moved by Kruse and seconded by Harding that Ordinance #3042, amending Chapter 2, Administration, of the Code of Ordinances relative to establishing a Bicycle and Pedestrian Commission, be passed upon its third and final consideration. Following a supportive comment by Roger White, Cedar Falls, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield,

Sires, Dunn. Nay: deBuhr. Motion carried. The Mayor then declared Ordinance #3042 duly passed and adopted.

54462- It was moved by Kruse and seconded by Harding that Ordinance #3043, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking on certain portions of Dakota Street, be passed upon its third and final consideration. Following a supportive comment by University of Northern Iowa Student Liaison Noah Hackbart, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield, Sires, Dunn. Nay: deBuhr. Motion carried. The Mayor then declared Ordinance #3043 duly passed and adopted.

54463 - It was moved by Harding and seconded by Kruse that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Standing Committee minutes of September 5, 2023 relative to the following item:

a) Future Forward Cedar Falls 2025: Community Wide Strategic Plan.

Approve the following applications for retail alcohol licenses:

a) Escapology Cedar Falls, 2518 Melrose Drive, Special Class C retail alcohol - renewal.

b) Holiday Inn & Suites Hotel/Event Center, 7400 Hudson Road, Class C retail alcohol & outdoor service - renewal.

c) The Ragged Edge Art Bar & Gallery, 504 Bluff Street, Class C retail alcohol & outdoor service – renewal.

d) Whiskey Road Tavern & Grill, 402 Main Street, Class C retail alcohol & outdoor service - temporary additional outdoor service. (September 23, 2023)

e) Aldi Inc., 315 Brandilynn Boulevard, Class B retail alcohol - new.

Motion carried unanimously.

54464 - It was moved by Harding and seconded by Kruse that the following resolutions be introduced and adopted:

Resolution #23,313, approving and authorizing execution of a Cooperative Agreement with the Iowa Civil Rights Commission for FY24.

Resolution #23,314, levying a final assessment for costs incurred by the City to mow the property located at 1113 Lindale Road.

Resolution #23,315, levying a final assessment for costs incurred by the City to mow the property located at 1119 Calumett Drive.

Resolution #23,316, levying a final assessment for costs incurred by the City to mow the property located at 2520 Central Avenue.

Resolution #23,317, approving and accepting Local Fire Protection and Emergency Medical Services Grant Program funding from the Iowa State Fire

Marshal Division relative to providing fireworks safety education materials.

Resolution #23,318, approving and authorizing submission of an Enhance Iowa Community Attraction & Tourism (CAT) Grant application for funding assistance relative to the Cedar Falls High School community swimming pool located at West 27th Street.

Resolution #23,319, approving and authorizing submission of a grant application to the Black Hawk County Gaming Association for funding assistance relative to the Cedar Falls High School community swimming pool located at West 27th Street.

Resolution #23,320, approving and authorizing execution of a Memorandum of Understanding with the City of Waterloo, contracting with Mosaic Community Planning for preparation of a 5-Year Consolidated Action Plan and updated Analysis of Impediments relative to Community Development Block Grant (CDBG) and HOME Programs.

Resolution #23,321, approving and authorizing execution of a Red House Studio Lease with Taylor Hansen relative to the use of 224 West Seerley Boulevard as artists' studio space, in conjunction with the Hearst Center's Visiting Artist Program.

Resolution #23,322, approving and authorizing execution of a Public Art Committee Agreement for Lease of Artwork with Rachel Heine relative to placement of a sculpture at 311 Main Street.

Resolution #23,323, approving and accepting a stipend from the Iowa Arts Council for funding operations support relative to the Poetry Out Loud competition at the Hearst Center.

Resolution #23,324, approving and authorizing submission of a GIG Fund grant application to Arts Midwest relative to an art invitational at the Hearst Center.

Resolution #23,325, approving and authorizing submission of a application for an Iowa Tourism Grant for funding relative to digital advertising to promote Cedar Falls.

Resolution #23,326, approving and accepting the contract and bond of Boulder Contracting, LLC relative to the 2023 Sidewalk Assessment Project – Zone 1.

Resolution #23,327, approving and accepting a Warranty Deed, in conjunction with the Ashworth Drive Extension Project.

Resolution #23,328, setting October 2, 2023 as the date of public hearing on a proposed ordinance granting a partial property tax exemption to KL Iowa 01, LLC for construction of a new warehouse and manufacturing facility at 6313 Production Drive.

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, Sires, Ganfield, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #23,313 through #23,328 duly passed and adopted.

- 54465 - It was moved by Kruse and seconded by Harding that the bills and claims of September 18, 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.
- 54466 - It was moved by Kruse and seconded by deBuhr to refer to the Community Development Committee Meeting on October 2, 2023, discussion on the College Hill Visioning Plan. Following comments and questions by Councilmembers Harding, Dunn, Schultz, Kruse, and deBuhr, and Mayor Green, the motion carried 4-3, with Schultz, Harding and Dunn voting Nay.

It was moved by Sires and seconded by Schultz to hold a Special Meeting as soon as possible to discuss safety options at 12<sup>th</sup> and Clay Street. Following comments and questions by Councilmembers Sires, Schultz, Ganfield, Harding, and Kruse, and responses by Public Safety Director Berte, City Administrator Gaines, and Mayor Green, it was moved by Kruse and seconded by Ganfield to amend the motion to hold a Public Works Committee Meeting immediately following adjournment of the City Council Meeting. Following questions and comments by Councilmembers deBuhr, Sires, Harding, Kruse, Ganfield, and Dunn, and responses by Public Works Director Schrage, Mayor Green, Berte, and Gaines, the motion to amend carried 6-1, with Dunn voting Nay. The Mayor then put the question on the original motion as amended. Motion carried 6-1, with Dunn voting Nay.

- 54467 - It was moved by Kruse and seconded by Harding to adjourn to Executive Session to discuss Legal Matters per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. 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 8:21 P.M.

Mayor Green reconvened the Council meeting at 8:44 P.M.

- 54468 - It was moved by Dunn and seconded by Kruse that the meeting be adjourned at 8:45 P.M. Motion carried unanimously.

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Kim Kerr, CMC, Administrative Supervisor