

**CITY HALL
CEDAR FALLS, IOWA, APRIL 4, 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 8:14 P.M. on the above date. Members present: Schultz, deBuhr, Kruse (via video conference), Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

- 54220 - It was moved by Harding and seconded by Ganfield that the minutes of the Regular Meeting of March 20, 2023 be approved as presented and ordered of record. Motion carried unanimously.
- 54221 - Brian Wingert, 2110 Flynn Drive, spoke in support of agenda item #25.
- 54222 - Mayor announced the Public Safety Recognition Ceremony to be held Wednesday, April 5th. Public Safety Director Berte provided details of the event.
- 54223 - Mayor Green announced that in accordance with the public notice of March 21, 2023, this was the time and place for a public hearing on the proposed maximum levy for affected property tax levies for FY2024. It was then moved by Ganfield and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54224 - 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. Finance & Business Operations Director Rodenbeck provided a summary of the proposed levy. 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.
- 54225 - It was moved by Harding and seconded by Dunn that Resolution #23,107, approving and adopting the maximum levy for affected property tax levies for FY2024, be adopted. Following a comment by Councilmember deBuhr, 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, Dunn. Nay: Sires Motion carried. The Mayor then declared Resolution #23,107 duly passed and adopted.
- 54226 - Mayor Green announced that in accordance with the public notice of March 24, 2023, this was the time and place for a public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to conditional use for adaptive reuse of defunct institutional buildings. It was then moved by Ganfield and seconded by Schultz that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54227 - The Mayor then asked if there were any written communications filed to the

proposed amendments. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planner I Sevy provided a brief summary of the proposed amendments. Following supportive comments by Oakridge Realtor Steven Jordan, 3313 Terrace Drive, and property owner Chad Welch, 6701 Strayer Road, the Mayor declared the hearing closed and passed to the next order of business.

54228 - It was moved by Ganfield and seconded by Dunn that Ordinance #3026, amending Chapter 26, Zoning, of the Code of Ordinances relative to conditional use for adaptive reuse of defunct institutional buildings, be passed upon its first consideration. Following comments and questions by Councilmembers Sires, Schultz, Dunn, deBuhr and Kruse, and Mayor Green, and responses by Planner I Sevy 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

54229 - It was moved by deBuhr and seconded by Ganfield that Ordinance #3025, amending Chapter 26, Zoning, of the Code of Ordinances relative to establishing procedures for Planning & Zoning Commission review and City Council approval of site plans in the Downtown Character District (CD-DT), 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, Sires. Nay: Schultz, Dunn. Motion carried.

54230 - It was moved by Harding 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 March 20, 2023 relative to the following items:

- a) Review snow removal practices and policies.
- b) Code Enforcement – private snow removal code revisions discussion.

Approve the following proclamations:

- a) Recognizing April 2023 as Fair Housing Month.
- b) Recognizing April 26, 2023 as Administrative Professionals Day.

Receive and file Departmental Monthly Reports of February 2023.

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

- a) Hy-Vee Fast & Fresh, 6527 University Avenue.
- b) Hy-Vee Food Store, 6301 University Avenue.

Approve the following Order Accepting Acknowledgment/Settlement Agreements with the following establishments for first tobacco violations:

- a) National Cigar Store, d/b/a Hill Street News & Tobacco, 2217 College Street.
- b) Gracious Food, LLC, d/b/a King Star, 2228 Lincoln Street.
- c) Kram Company, Inc., d/b/a The Landmark, 107 Main Street.

Approve the following applications for retail alcohol licenses:

- a) Luxe Nail Bar, 5907 University Avenue, Class C retail alcohol - renewal.
- b) Mary Lou's Bar & Grill, 2719 Center Street, Class C retail alcohol & outdoor service - renewal.
- c) River Place Plaza, 200 East 2nd Street – Plaza, Special Class C retail alcohol & outdoor service – temporary expansion of outdoor service area. (May 26, June 16-17, June 23-24, and July 21-22, 2023)
- d) Happy's Wine & Spirits, 5925 University Avenue, Special Class C retail alcohol & outdoor service – 14 day permit.

Motion carried unanimously.

54231 - It was moved by deBuhr and seconded by Harding to approve a proclamation recognizing May 2023 as Low Mow May. Following comments and questions by Councilmembers deBuhr, Sires, Dunn, Harding, Schultz, Kruse and Ganfield, and Mayor Green, the motion carried 4-3, with deBuhr, Ganfield and Sires voting Nay.

54232 - It was moved by Dunn and seconded by Schultz that the following resolutions be introduced and adopted:

Resolution #23,108, approving the recommendation of the Director of Public Safety Services and City Administrator relative to the appointment of an Acting Fire Chief.

Resolution #23,109, approving and authorizing execution of five Participation Agreements involving Allergan, CVS, Teva, Walgreens and Walmart relative to a national opioid settlement.

Resolution #23,110, approving and authorizing execution of Contract Amendment #1 to the Linen Services Agreement with Aramark Uniform Services.

Resolution #23,111, approving and authorizing execution of a Service Order with USCC Services, LLC (UScellular) relative to providing cellular service for the City.

Resolution #23,112, approving and accepting a Warranty Deed, in conjunction with the expansion of the West Viking Road Industrial Park.

Resolution #23,113, approving and accepting two Warranty Deeds, in conjunction with the Main Street Reconstruction Project.

Resolution #23,114, approving and accepting five Warranty Deeds, in conjunction with the Cedar Heights Drive Reconstruction Project.

Resolution #23,115, approving and accepting the contract and bond of Municipal Pipe Tool Company LLC for the 2023 Sanitary Sewer Rehabilitation Project.

Resolution #23,116, approving and accepting the contract and bond of Peterson Contractors, Inc. for the 2023 Street Construction Project.

Resolution #23,117, approving and authorizing execution of a Professional Service Agreement with Snyder & Associates for design services relative to the West Viking Road Industrial Park Expansion Phase II.

Resolution #23,118, setting April 17, 2023 as the date of public hearing on the proposed FY2024 Budget for the City of Cedar Falls.

Resolution #23,119, receiving and filing, and setting April 17, 2023 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the Ashworth Drive Roadway Expansion Project.

Resolution #23,120, setting April 17, 2023 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to signage for Civic/Institutional Uses in the Downtown Character District (CD-DT).

Resolution #23,121, setting April 17, 2023 as the date of public hearing on the proposed rezoning from A-1, Agricultural District to R-1, Residence District approximately 3 acres of property located west of the Hudson Road & Ashworth Drive intersection, f/n/a 4919 Hudson Road.

Resolution #23,122, setting April 17, 2023 as the date of public hearing on the proposed rezoning from A-1, Agricultural District to R-2, Residence District approximately 14 acres of property located north of Black Hawk Park Addition and west of Cypress Avenue

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 #23,108 through #23,122 duly passed and adopted.

54233 - It was moved by Ganfield and seconded by deBuhr that Resolution #23,123, approving the preliminary plat of Hidden Pines, be adopted. Following questions by Councilmembers Ganfield and deBuhr, comments by Homebuilders Association of the Cedar Valley Representative Bob Manning, and responses 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,123 duly passed and adopted.

54234 - It was moved by Dunn and seconded by Harding that Resolution #23,124, approving and accepting a Public Sanitary Sewer Easement, in conjunction with the preliminary plat of Hidden Pines, 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,124 duly passed and adopted.

- 54235 - It was moved by Harding and seconded by Schultz that Resolution #23,125, setting April 17, 2023 as the date of public hearing to consider entering into a proposed Purchase, Sale and Development Agreement, and to consider conveyance of certain city-owned real estate to CF Storage, LLC, be adopted. Following questions and comments by Councilmembers Kruse, Ganfield, Harding, deBuhr, and Schultz, and responses by City Attorney Rogers, Mayor Green and City Administrator Gaines, 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, Dunn. Nay: None. Abstain: Sires. Motion Carried. The Mayor then declared Resolution #23,125 duly passed and adopted.
- 54236 - It was moved by Ganfield and seconded by Harding that the bills and claims of April 3, 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.
- 54237 - Councilmember Ganfield expressed support for a municipal fireworks display for the 4th of July and encouraged the public to come forward with a plan.
- 54238 - It was moved by Kruse and seconded by Dunn to refer to the Community Development Committee discussion of the policy regarding prairie plantings in city right-of-way. Motion carried unanimously.
- It was moved by Kruse and seconded by Ganfield to refer to the Community Development Committee discussion of promoting beekeeping areas in the city, including flood buyout property. Following questions and comments by Councilmembers Dunn, Kruse and Schultz, and responses by Community Development Director Sheetz and Mayor Green, Councilmember Kruse withdrew the motion.
- 54239 - It was moved by Ganfield and seconded by Dunn that the meeting be adjourned at 9:03 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk