

**CITY HALL
CEDAR FALLS, IOWA, FEBRUARY 6, 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.

54137 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of January 17, 2023 be approved as presented and ordered of record. Motion carried unanimously.

54138 - Rosemary Beach, 3018 Sage Road, commented on utilizing the Hotel/ Motel Tax for the addition of public restrooms downtown.

Jim Brown, 1004 Tremont Street, commented on the Paid-on-Call vs Public Safety Officer program and proposed public safety study.

Mayor Green responded to an inquiry by Rick Sharp, 1623 Birch Street, regarding a personnel issue.

Mayor Green responded to a question by Whitney Smith, 2207 Hawthorne Drive, regarding the difference in two personnel issues.

54139 - Mayor Green announced that in accordance with the public notice of January 23, 2023, this was the time and place for a public hearing on the proposed plans, specifications and forms of contract & estimate of cost for the Hudson Road & West Ridgeway Avenue Intersection Improvements 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.

54140 - 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 a question by Rick Sharp, 1623 Birch Street, and response by Wicke, the Mayor declared the hearing closed and passed to the next order of business.

54141 - It was moved by Kruse and seconded by Harding that Resolution #23,049, approving and adopting the plans, specifications, form of contract & estimate of cost for the Hudson Road & West Ridgeway Avenue Intersection Improvements Project, be adopted. Following questions by Councilmembers Kruse, Schultz and Dunn, 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: Kruse, Harding, Ganfield, Sires, Dunn, Schultz, deBuhr. Nay: None. Motion carried. The Mayor then declared Resolution #23,049 duly passed and adopted.

- 54142 - Mayor Green announced that in accordance with the public notice of January 23, 2023, this was the time and place for a public hearing on the proposed plans, specifications and forms of contract & estimate of cost for the Oak Park Boulevard Sanitary Sewer Replacement Project. 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.
- 54143 - 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. 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.
- 54144 - It was moved by Ganfield and seconded by Harding that Resolution #23,050, approving and adopting the plans, specifications, form of contract & estimate of cost for the Hudson Road & West Ridgeway Avenue Intersection Improvements Project, be adopted. Following a question by Councilmember Ganfield, and response by City Engineer Wicke, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Ganfield, Sires, Dunn, Schultz, deBuhr. Nay: None. Motion carried. The Mayor then declared Resolution #23,050 duly passed and adopted.
- 54145 - It was moved by Kruse and seconded by Ganfield that Ordinance #3023, amending the Zoning Map by placing property located on Lots 5 and 6 of the Midway Business Park in the R-4, Multiple Unit Residential Zoning District, pursuant to provisions of a Zoning Agreement, 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: Kruse, Harding, Ganfield, Sires, Dunn, Schultz, deBuhr. Nay: None. Motion carried.
- 54146 - It was moved by Kruse and seconded by Ganfield that Ordinance #3024, amending the Zoning Map by removing property generally described as Lots 1-4 of Midway Second Addition from the R-4, Multiple Unit Residential Zoning District, to the R-1, One & Two Unit Residential Zoning District, 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: Kruse, Harding, Ganfield, Sires, Dunn, Schultz, deBuhr. Nay: None. Motion carried.
- 54147 - 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 Standing Committee minutes of January 17, 2023 relative to the following item:
- a) FY2023-FY2028 Capital Improvements Program (CIP).
- Approve the following recommendations of the Mayor relative to the appointment

of members to Boards and Commissions:

- a) Julie Etheredge, Historic Preservation Commission, term ending 03/31/26.
- b) Sally Timmer, Historic Preservation Commission, term ending 03/31/26.

Receive and file Departmental Monthly Reports of December 2022.

Approve the following applications for retail alcohol licenses:

- a) Asian Fusion Vietnamese and Thai Cuisine, 5725 University Avenue, Special Class C retail alcohol - renewal
- b) Cottonwood Canyon, 419 Washington Street, Special Class C retail alcohol & outdoor service - renewal.
- c) Chad's Pizza and Restaurant, 909 West 23rd Street, Class C retail alcohol & outdoor service - renewal.
- d) Sakura Japanese Steakhouse & Sushi Bar, 5719 University Avenue, Class C retail alcohol - renewal.
- e) Thunder Ridge Ampride, 2425 Whitetail Drive, Class E retail alcohol - renewal.
- f) Kwik Star, 2019 College Street, Class C beer & Class B wine – change in ownership.
- g) Kwik Star, 4515 Coneflower Parkway, Class C beer & Class B wine – change in ownership.
- h) Kwik Star, 7500 Nordic Drive, Class C beer & Class B wine – change in ownership.
- i) Kwik Spirits, 4116 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 – 8-month permit.
- k) Great Walls, 2125 College Street, Class B retail alcohol - new.
- l) Hy-Vee Fast and Fresh, 6527 University Avenue, Class B retail alcohol – new.
- m) Pheasant Ridge

Motion carried unanimously.

- 54148 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #23,051, approving and authorizing execution of an Advertising Agreement with Lee Enterprises, Incorporated, d/b/a Courier Communications, relative to recruitment advertising.

Resolution #23,052, approving and authorizing execution of a First Amendment to Professional Services Agreement with Berry, Dunn, McNeil & Parker, LLC relative to replacement of the City's financial system.

Resolution #23,053, approving and authorizing execution of a Professional Service Agreement with OPN Architects, Inc. relative to the Hearst 2.0 Master Plan Project.

Resolution #23,054, approving a PC-2, Planned Commercial Zoning District site plan for construction of a retail building at 930 Viking Road.

Resolution #23,055, approving and authorizing execution of one Owner Purchase Agreement and one Amended and Substituted Owner Purchase Agreement, in conjunction with the Main Street Reconstruction Project.

Resolution #23,056, approving and accepting a Warranty Deed, in conjunction with the Main Street Reconstruction Project.

Resolution #23,057, approving and authorizing execution of a License Agreement with Aureon Network Services relative to installing a fiber optic telecommunications system within the public right-of-way of West 27th Street near the Greenhill Road intersection.

Resolution #23,058, approving the Certificate of Completion and accepting the work of Municipal Pipe Tool Company, LLC for the 2022 CDBG Sanitary Sewer Rehabilitation Project.

Resolution #23,059, approving and authorizing execution of Supplemental Agreement No. 4C to the Professional Service Agreement with Snyder & Associates, Inc. for platting and engineering services relative to West Viking Road Industrial Park - Phase VI.

Resolution #23,060, approving and authorizing execution of Supplemental Agreement No. 10B to the Professional Service Agreement with Snyder & Associates, Inc. for design services relative to the West Viking Road Reconstruction and Recreational Trail Infill 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: Kruse, Harding, Ganfield, Sires, Dunn, Schultz, deBuhr. Nay: None. Motion carried. The Mayor then declared Resolutions #23,051 through #23,060 duly passed and adopted.

54149 - It was moved by Kruse and seconded by deBuhr that Resolution #23,061, approving and authorizing execution of a Terminal Leave of Absence, Resignation, and Mutual Release Agreement with John Bostwick relative to employment with the City, be adopted. Mayor Green read a section of Iowa Code regarding information allowed for discussion. It was then moved by deBuhr and seconded by Kruse to include an amendment to the document submitted by attorneys for Bostwick. Mayor Green read the amendment. Following questions by Councilmembers Harding, Kruse, Ganfield, Schultz, and Dunn, Rick Sharp, 1623 Birch Street, and Whitney Smith, 2207 Hawthorne Drive, and responses by Controller/City Treasurer Roeding, Finance & Business Operations Director Rodenbeck and City Attorney Rogers, the motion to amend carried 6-1, with Ganfield voting Nay. Following comments by Councilmember Ganfield, and comments in opposition to the agreement by Whitney Smith, Josh Wilson, 100 East 2nd Steet, Rick Sharp, and Sharon Regenold, 108 Lilliput Lane, and comments in support of the agreement by Jim Brown, 1004 Tremont Street, and responses by Mayor Green, City Administrator Gaines, and Rodenbeck, and additional comments by Councilmembers Dunn, Kruse, Ganfield, Sires, and Schultz, the Mayor put the question on the original motion as amended and upon

call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Dunn, deBuhr. Nay: Ganfield, Sires, Schultz. Motion Carried. The Mayor then declared Resolution #23,061 duly passed and adopted. Mayor Green provided closing comments.

- 54150 - It was moved by Kruse and seconded by Harding that Resolution #23,062, receiving and filing, and approving the plans, specifications and estimate of cost for the Highway 58 & Ridgeway Avenue Reconstruction Project, be adopted. Following questions and comments by Rick Sharp, 1623 Birch Street, and Josh Wilson, 100 East 2nd Street, and responses by Public Works Director Schrage, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Kruse, Harding, Ganfield, Sires, Dunn, Schultz, deBuhr. Nay: None. Motion Carried. The Mayor then declared Resolution #23,062 duly passed and adopted.
- 54151 - It was moved by Kruse and seconded by Harding that the bills and claims of February 6, 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: Kruse, Harding, Ganfield, Sires, Dunn, Schultz, deBuhr. Nay: None. Motion carried.
- 54152 - Public Works Director Schrage responded to a request by Councilmember Ganfield regarding an update on QR code mapping downtown.
- 54153 - It was moved by Ganfield and seconded by Harding to refer to the Public Works Committee a request for no parking on Bluebell Road. Following a question by Councilmember deBuhr, and response by Councilmember Ganfield, the motion carried unanimously.
- 54154 - It was moved by Kruse and seconded by Harding to refer to the Public Works Committee a request to review snow removal practices and policies. Following a comment by Councilmember Sires, the motion carried 6-1, with Dunn voting Nay.
- 54155 - It was moved by Kruse and seconded by Harding to refer to the Public Works Committee a request for a four-way stop at the Lone Tree Road and Center Street intersection. Councilmember Schultz explained the request. Following questions by Councilmembers Dunn and Kruse, and responses by Public Works Director Schrage and City Administrator Gaines, the motion carried 5-2, with Dunn and deBuhr voting Nay.
- 54156 - It was moved by Ganfield and seconded by Kruse to refer to the Public Works Committee a request to review pedestrian crosswalks for University Avenue and Center Street. Following comments by Councilmember Schultz, the motion carried 5-2, with Dunn and deBuhr voting Nay.
- 54157 - It was moved by Kruse and seconded by Harding to refer to the Public Works Committee a request to review traffic patterns for student pick-up/drop-off at North Cedar, Aldrich, Orchard Hill, Southdale and other schools as needed.

Following comments by Councilmembers Schultz, Sires, deBuhr, Dunn, Ganfield, Harding, and Kruse, and responses by City Administrator Gaines and Mayor Green, the motion carried 6-1, with Dunn voting Nay.

- 54158 - It was moved by Ganfield and seconded by Kruse to refer to the Public Safety Committee Meeting on February 20, 2023 for Council committee members to discuss, draft and recommend to Council a request for proposal to be sent to firms capable of assessing our Public Safety Department. Following comments by Councilmember Ganfield, deBuhr, Dunn and Schultz, and Mayor Green, the motion carried 5-2, with Dunn and deBuhr voting Nay.

It was moved by Kruse and seconded by Harding to refer to the Committee of the Whole a review of Industrial Park guidelines and policies relative to qualifying for tax increment financing (TIF) incentives. The motion carried, 6-1 with Dunn voting Nay.

- 54159 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 9:05 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk