

**CITY HALL  
CEDAR FALLS, IOWA, JULY 17, 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 7:08 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

54364 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of June 20, 2023 be approved as presented and ordered of record. City Clerk Danielsen noted a scrivener's error on CR54352 that would be corrected to reflect Councilmember Dunn's vote as a Nay. Motion carried unanimously.

54365 - Councilmembers agreed by consensus to Mayor Green's request to consider item #11 on the Consent Calendar at this time.

It was moved by Ganfield and seconded by Dunn to approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:

- a) Robert Seymour, Metropolitan Transit Board, 06/30/2026.
- b) Gregory Holt, Art and Culture Board, 07/01/2025.
- c) Matthew Hundley, Art and Culture Board, 07/01/2026.
- d) Matthew Wilson, Art and Culture Board, 07/01/2027.
- e) Sandy Benak, Health Trust Fund Board, 12/31/2028.
- f) Brent Johnson, Visitors & Tourism Board, 07/01/2026.

Motion carried unanimously.

54366 - Rosemary Beach, Cedar Falls, spoke about the Sturgis Falls Celebration and expressed appreciation for all of the volunteers who help make the event successful.

Larry Stumme, Pastor at St. Paul Lutheran Church, spoke about the 24/7 Wall Street Journal (WSJ) report that ranked Waterloo/Cedar Falls one of the worst cities for Black Americans and requested coordinated efforts to improve by 2030.

Tim Troyer, Cedar Falls, requested the sidewalk assessment for his property be removed due to communication with engineering staff and his understanding that the sidewalk didn't need to be replaced.

Michael Blackwell, Cedar Falls, referenced the 24/7 WSJ report and spoke about racism and quality of life, and requested cities coordinate efforts for improvement.

Charles Pearson, Iowa African American Heritage Trail, spoke about Cedar Falls history of Black Americans and requested that cities come together to develop

initiatives to improve the quality of life for Black Americans in the metro area.

- 54367 - Public Safety Director Berte announced National Night Out at the Public Safety Center on August 1st from 4:30 - 7:00 PM.
- 54368 - Mayor Green announced that this was the time and place for a hearing on a proposed resolution adopting and levying the final schedule of assessments for the 2022 Sidewalk Assessment Project, Zone 5. City Engineer Wicke provided a brief summary of the sidewalk assessment process. Mayor Green noted Mr. Troyer's previous comments during public forum and Melinda Severson also commented. Both provided pictures to Public Works Director Schrage. Director Schrage noted that he would remove both addresses from the list so they could be reviewed.
- 54369 - It was moved by Kruse and seconded by deBuhr that Resolution #23,246, adopting and levying the final schedule of assessments for the 2022 Sidewalk Assessment Project - Zone 5, as amended, be adopted. Following comments and questions by Councilmembers Ganfield and Kruse, and responses by Public Works Director Schrage and City Clerk Danielsen, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,246 duly passed and adopted.
- 54370 - Mayor Green announced that in accordance with the public notices of June 9, 2023, and July 7, 2023, this was the time and place for a public hearing on the FY2024 (FFY2023) Annual Action Plan for Community Development Block Grant (CDBG) and HOME Program Funding. It was then moved by Kruse and seconded by Harding that the proof of publication of notices of hearing be received and placed on file. Motion carried unanimously.
- 54371 - The Mayor then asked if there were any written communications filed to the proposed plan. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planner III Pezley provided a summary of the proposed plan. There being no one else present wishing to speak about the proposed plan, the Mayor declared the hearing closed and passed to the next order of business.
- 54372 - It was moved by Ganfield and seconded by Schultz that Resolution #23,247, approving the FY2024 (FFY2023) Annual Action Plan for Community Development Block Grant (CDBG) and HOME Program Funding, be adopted. Following a question by Councilmember Ganfield, and responses by Planner III Pezley 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. The Mayor then declared Resolution #23,247 duly passed and adopted.

- 54373 - Mayor Green announced that in accordance with the public notice of July 6, 2023, this was the time and place for a public hearing on a proposal to consider entering into an Agreement for Private Development, and to consider conveyance of certain city-owned real estate to Ryan Companies US, Inc. 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.
- 54374 - The Mayor then asked if there were any written communications filed to the proposed agreement. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Economic Development Coordinator Graham commented on the proposed agreement and requested that the public hearing be continued. It was then moved by Ganfield and seconded by Kruse to continue the hearing to the August 7, 2023 City Council meeting. Motion carried unanimously.
- 54375 - It was moved by Kruse and seconded by Harding that Ordinance #3031, amending the Zoning Map by removing approximately 2.26 acres of property located at 702 LeClair Street from the C-1, Commercial Zoning District and placing the same in the PC-2, Planned Commercial 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.
- 54376 - It was moved by Kruse and seconded by Harding that Ordinance #3032, amending Chapter 26, Zoning, of the Code of Ordinances relative to allowance of vinyl siding on residential buildings with six or fewer dwelling units in the Neighborhood Frontages within the CD-DT, Downtown Character 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: Schultz, deBuhr, Kruse, Ganfield, Sires. Nay: Harding, Dunn. Motion carried.
- 54377 - It was moved by Kruse and seconded by Harding that Ordinance #3033, amending Chapter 2, Administration, of the Code of Ordinances relative to salaries for elected officials, be passed upon its second consideration. Following comments by Councilmembers Kruse, Dunn, Schultz, Harding and deBuhr, and Mayor Green, it was moved by Dunn and seconded by Schultz to amend the motion to strike \$12,000 per year and change it to \$8,500 per year. Following comments by Councilmembers Kruse, Dunn, Harding, deBuhr and Sires, and response by Director Rodenbeck, the motion to amend carried 4-3, with Kruse, Harding and Ganfield voting Nay. Following due consideration by the Council, the Mayor put the question on the motion as amended and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield, Dunn. Nay: deBuhr, Sires. Motion carried for passage of new Ordinance #3037 upon its first consideration.
- 54378 - It was moved by Kruse and seconded by deBuhr that Ordinance #3034,

amending Chapter 19, Streets and Sidewalks, of the Code of Ordinances relative to removal of snow and ice, 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.

54379 - It was moved by Ganfield and seconded by Kruse that Ordinance #3035, amending Chapter 23, Traffic and Motor Vehicle, of the Code of Ordinances relative to prohibiting parking on certain portions of Bluebell 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.

54380 - It was moved by Harding and seconded by Dunn that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Standing Committee minutes of June 20, 2023 relative to the following items:

- a) Youth Commission Presentation.
- b) Longevity of Board and Commission Members.
- c) Public Safety Update.

Receive and file a communication from the Civil Service Commission relative to the certified list for the position of Public Safety Officer.

Receive and file Departmental Monthly Reports of May 2023.

Approve an Order Accepting Acknowledgment/Settlement Agreement with National Cigar Store, d/b/a Hillstreet News & Tobacco, 2217 College Street, for a second tobacco violation.

Approve the following applications for retail alcohol licenses:

- a) Chuck E. Cheese's, 5911 University Avenue, Special Class C retail alcohol - renewal.
- b) Buffalo Wild Wings, 6406 University Avenue, Class C retail alcohol & outdoor service - renewal.
- c) Cypress Lounge, 209 A State Street, Class C retail alcohol & outdoor service - renewal.
- d) Hy-Vee Market Grille, 6301 University Avenue, Class C retail alcohol - renewal.
- e) Octopus, 2205 College Street, Class C retail alcohol & outdoor service - renewal.
- f) The Black Hawk Hotel/Bar Winslow, 115-117 Main Street, Class C retail alcohol - renewal.
- g) The Library, 2222 College Street, Class C retail alcohol & outdoor service - renewal.
- h) The Other Place, 4214 University Avenue, Class C retail alcohol & outdoor service - renewal.

- i) Wal-Mart, 525 Brandilynn Boulevard, Class E retail alcohol - renewal.
- j) Wal-Mart, 525 Brandilynn Boulevard, Class E retail alcohol – change in ownership.
- k) Dollar General, 1922 Valley Park Drive, Class B retail alcohol - new.
- l) King Star, 2228 Lincoln Street, Class B retail alcohol - new.
- m) Le Petit, 119 Main Street, Class C retail alcohol – new.

Motion carried unanimously.

- 54381 - It was moved by Ganfield and seconded by Schultz that the following resolutions be introduced and adopted:

Resolution #23,248, approving and adopting a revised job classification for the position of Education Coordinator at the Hearst Center for the Arts.

Resolution #23,249, approving and authorizing execution of an Agreement with Nelson & Schaefer Construction LLC relative to renovations at the Recreation Center.

Resolution #23,250, approving and authorizing execution of an Agreement with Scott Easton Design for graphic design services relative to the 2024 Cedar Falls Visitor Guide.

Resolution #23,251, approving a Shopping Center (S-1) Zoning District site plan for façade improvements at 6207 University Avenue.

Resolution #23,252, approving and authorizing execution of an Agreement for Elevator Maintenance with TK Elevator Company, f/n/a O’Keefe Elevator Company, Inc., relative to elevator maintenance services for city-owned elevators from August 1, 2023 thru July 31, 2024.

Resolution #23,253, approving and authorizing execution of a 28E Agreement with Black Hawk County for Maintenance of Certain Right-of-Ways at or Near the City Limits.

Resolution #23,254, approving and accepting two Warranty Deeds, in conjunction with the North Cedar Heights Area Reconstruction Project.

Resolution #23,255, approving and authorizing execution of Supplemental Agreement No. 2 to the Professional Service Agreement with Foth Infrastructure & Environment, LLC for additional design services relative to the Center Street Corridor Streetscape Project.

Resolution #23,256, approving and authorizing execution of an Owner Purchase Agreement, in conjunction with the Ashworth Drive Roadway Extension Project.

Resolution #23,257, approving and accepting the contract and bond of Blacktop Service Company for the 2023 Seal Coat Project.

Resolution #23,258, receiving and filing, and setting August 7, 2023 as the date of public hearing on the proposed revised plans, specifications, form of contract

& estimate of cost for the 2023 Sidewalk Assessment Project – Zone 1.

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 #23,248 through #23,258 duly passed and adopted.

- 54382 - It was moved by Kruse and seconded by Harding that a Resolution approving and authorizing execution of a Consolidated Public Safety Communications 28E Agreement with participating government agencies in Black Hawk County relative to providing consolidated dispatch and communications services, be adopted. Following comments and questions by Councilmembers Ganfield, Dunn, Schultz, Harding, deBuhr, Sires and Kruse, and responses by City Attorney Rogers, Mayor Green and Public Safety Director Berte, the Mayor put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Sires. Nay: deBuhr, Kruse, Harding, Ganfield, Dunn. Motion failed.
- 54383 - It was moved by Kruse and seconded by Ganfield that Ordinance #3036, amending Chapter 3, Advertising, of the Code of Ordinances relative to political signs, be passed upon its first consideration. Following a question by Councilmember Ganfield and response by City Attorney Rogers, 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.
- 54384 - It was moved by Harding and seconded by deBuhr that the bills and claims of July 17, 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. Following a comment by Councilmember Harding, 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.
- 54385 - Councilmember Dunn announced the 36<sup>th</sup> Annual Cedar River Cleanup on July 29 and the Cedar River Festival on July 30, at Gateway Park from 12PM – 7PM.
- Councilmembers deBuhr and Sires recognized Scout Troop 55 in attendance at the meeting.
- 54386 - It was moved by Harding and seconded by Schultz that the meeting be adjourned at 8:36 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk