

**CITY HALL
CEDAR FALLS, IOWA, MAY 1, 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.

- 54270 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of April 17, 2023 be approved as presented and ordered of record. Following comments by Councilmember Ganfield, it was moved by Ganfield and seconded by deBuhr to amend the minutes at record #54262 to strikeout "it was moved by Kruse to call the question on the original amendment" and replace it with "discussion continued on the original amendment." Motion to amend carried unanimously. The Mayor then put the question on the original motion as amended. Motion carried unanimously.
- 54271 - The Mayor then asked if there were any agenda revisions. City Clerk Danielsen noted that items #18, 21 and 22 on the Resolution Calendar were being removed from the agenda as they have been paid.
- 54272 - USPS Postal Carrier Olivia Balik commented on the annual food drive being held on Saturday, May 13 and requested volunteers to help with collection of donations.
- Sonja Bock, Human Rights Commission Chair, requested that Council pass the proclamation recognizing June 2023 as Pride Month and spoke about the Mayor's actions regarding the proclamation.
- 54273 - City Administrator Gaines announced an Open House for the City Hall Remodel being held on May 15, 2023 from 4-6 PM.
- Public Safety Director Berte announced a Public Safety Facility Open House being held on May 9, 2023 from 4:30-7:30 PM.
- 54274 - Mayor announced that this was the time and place for a hearing on the proposed condemnation of property located at 1312 Clay Street. Building Official Castle provided a brief summary. There being no one else present wishing to speak about the proposed condemnation, the Mayor declared the hearing closed and passed to the next order of business.
- 54275- It was moved by Kruse and seconded by Harding that Resolution #23,142, declaring the property located at 1312 Clay Street to be a nuisance due to being structurally unsafe, a fire hazard, or otherwise dangerous to human life and health, 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, Dunn, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #23,142 duly passed and adopted.

- 54276 - It was moved by Kruse and seconded by Harding that Resolution #23,143, ordering abatement of said nuisance by removal, repair or demolition of the property located at 1312 Clay Street and requiring the owner of said property to abate said nuisance or submit a viable plan by May 15, 2023, be adopted. Following questions by Councilmembers Ganfield and Kruse, 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, Sires. Nay: None. Motion carried. The Mayor then declared Resolution #23,143 duly passed and adopted.
- 54277 - Mayor Green announced that in accordance with the public notice of April 21, 2023, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the North Cedar Heights Area Reconstruction Project - Phase 1A. 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.
- 54278 - 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 summary of the 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.
- 54279- It was moved by Kruse and seconded by Harding that Resolution #23,144, approving and adopting the plans, specifications, form of contract & estimate of cost for the North Cedar Heights Area Reconstruction Project - Phase 1A, be adopted. Following comments and questions by Councilmembers Harding and Schultz, 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 #23,144 duly passed and adopted.
- 54280 - It was moved by Ganfield and seconded by Harding 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 third and final consideration. Following comments by Councilmember Schultz, 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 Ordinance #3026 duly passed and adopted.
- 54281 - It was moved by Kruse and seconded by Harding that Ordinance #3027, amending Chapter 26, Zoning, of the Code of Ordinances relative to signage for Civic/Institutional Uses 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

54282 - It was moved by deBuhr and seconded by Kruse that Ordinance #3028, amending the Zoning Map by removing approximately 3 acres of property located west of the Hudson Road & Ashworth Drive intersection, f/n/a 4919 Hudson Road from A-1, Agricultural District and placing the same in the R-1, Residence 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.

54283 - It was moved by deBuhr and seconded by Kruse that Ordinance #3029, amending the Zoning Map by removing approximately 14.43 acres of property located north of Black Hawk Park Addition and west of Cypress Avenue from A-1, Agricultural District and placing the same in the R-2, Residence 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.

54284 - It was moved by Ganfield 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 April 17, 2023 relative to the following items:

- a) Review of Council Salary.
- b) Downtown Public Restroom Study.
- c) Iowa Workforce Housing Tax Credit.

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

- a) Jeff Engel, Cedar Falls Utilities Board of Trustees, term ending 08/31/2029.

Approve the application of Beth Schildroth, d/b/a Big Acai, for a Mobile Merchant license.

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

- a) Buzz Smoke & Vapor, 2125 College Street Suite A.
- b) Cloud 9 Glass & Novelty, 2125 College Street Suite C.
- c) Five Corners Liquor and Wine, 809 East 18th Street.
- d) Hansen's Dairy, 123 East 18th Street.
- e) Hill Street News & Tobacco, 2217 College Street.
- f) King Star, 2228 Lincoln Street.
- g) Prime Mart 4, 2323 Main Street.

Approve the following applications for retail alcohol licenses:

- a) CVS/Pharmacy, 2302 West 1st Street, Class E retail alcohol – renewal.

c) Live to 9, 200 Block of State Street and 100 Block of East 2nd Street including adjacent sidewalks, Special Class C retail alcohol & outdoor service – seven 5-day permits (June 2-6, June 9-13, July 6-10, July 13-17, July 27-31, August 10-14, and August 17-21).

Motion carried unanimously.

54285 - It was moved by Kruse and seconded by Harding to approve a proclamation recognizing June 2023 as Pride Month. Following comments and questions by Councilmembers Schultz, Dunn, deBuhr and Sires, and response by Mayor Green, the Mayor opened comments to the public.

The following individuals spoke in support of the proclamation:

Whitney Smith, 2207 Hawthorne Drive
Anonymous, Western Avenue, Waterloo
Melissa Heston, 1911 Hawthorne Drive
Pastor Dave Kivett, 1115 Oak Park Boulevard
Morgan Friedly, 646 Hope Avenue, Waterloo
Shirley Whiteside, 1716 Park Drive
Kalyana Kannan, Stanley Street
Laura Tull, Maplewood Drive
Ruth Walker, 2208 Coventry Lane
Rick Henry, 3003 Shady Lane
Chelsea Lowe, 415 Balboa Avenue
Alaina Chinowth, 909 Olive Street
Jeremy Schraffenberger, 519 Iowa Street
Byron Plumly, 1716 Park Drive
Mike Stout, 1022 West 3rd Street
Jim Young, 5225 Norse Drive
Olivia Balik, 512 Bismark Avenue, Waterloo
Mason Seelock, Waterloo
Samantha Blatt, Waterloo Human Rights Commission
Sheri Huber Otting, 211 Iowa Street
Jessica Nauholz, 6421 Viking Road
Seth Chadwick, 1410 Clay Street
Steve Ayers, 2209 Clay Street
Jill Miller, North Francis Street
Nic Tripp, Clay Street
Judy Myers, 1408 Quail Ridge Road
Eashaan Vajpeyi, 3801 Convair Lane
Nate Gruber, 4228 Maryhill Drive
Andrea Geary, 1816 Tremont Street
Alan Slaughter, 1616 South Forest Road
Sonja Bock, Cedar Falls Human Rights Commission Chair
Tyler O'Brien, 407 Olive Street
Mitchell Denhartog, 1013 Western Avenue, Waterloo
Tom Connors, 1304 College Street
Ann Johnson, Cedar Falls
Sarah Laube, Educator in the Cedar Valley

Tom Blanford, 1011 Rainbow Drive

The following individual spoke in opposition of the proclamation:
Forrest Dawkins, 2213 Yorkshire Drive

Following supportive comments by Councilmembers Dunn, Harding and Schultz, and closing comments by Mayor Green, the motion carried 5-2, with deBuhr and Ganfield voting Nay.

54286 - It was moved by Kruse and seconded by Ganfield to receive and file Departmental Monthly Reports of March 2023. Following a question by Councilmember Sires and response by Public Safety Director Berte, the motion carried unanimously.

54287 - It was moved by Kruse and seconded by Harding to approve the following application for a retail alcohol license:
b) Cedar Basin Music Festival, Sturgis Park, Special Class C retail alcohol & outdoor service - 5-day permit.

Following comments by Councilmembers Kruse and Dunn, the motion carried unanimously.

54288 - It was moved by Harding and seconded by Dunn that the following resolutions be introduced and adopted:

Resolution #23,145, approving and accepting the permanent transfer of \$2,543,741.00 from the Municipal Electric Utility to the General Fund of the City of Cedar Falls, and \$604,416.00 from the Municipal Gas Utility to the General Fund of the City of Cedar Falls.

Resolution #23,146, levying a final assessment for costs incurred by the City to remove snow and ice from the sidewalks abutting the property located at 210 West 22nd Street.

Resolution #23,147 levying a final assessment for costs incurred by the City to remove snow and ice from the sidewalks abutting the property located at 818 Seerley Boulevard.

Resolution #23,148, levying a final assessment for costs incurred by the City to remove snow and ice from the sidewalks abutting the property located at 1022 West 22nd Street.

Resolution #23,149, approving and authorizing execution of an Agreement with Myers Cox relative to providing concession products and supplies for the Falls Aquatic Center.

Resolution #23,150, designating the dates and locations for the annual Sturgis Falls Celebration and Cedar Basin Music Festival.

Resolution #23,151, approving and authorizing execution of a Contract for

towing, wrecker and storage services with Rasmusson Towing.

Resolution #23,152, approving and authorizing execution of a First Amendment to the Service/Product Agreement with Iowa Northland Regional Council of Governments (INRCOG) for administration of a United States Department of Commerce, Economic Development Administration (EDA) grant relative to the Cedar River Recreational Improvements Project.

Resolution #23,153, approving and authorizing execution of a Cash Escrow Agreement with The Rotary Club of Cedar Falls relative to construction of the Rotary Plaza to be located at 205-221 West 1st Street.

Resolution #23,154, approving and authorizing execution of Supplemental Agreement No. 5 to the Professional Service Agreement with Riverwise Engineering, LLC for construction phase services relative to the Cedar River Recreational Improvements Project.

Resolution #23,155, approving the Certificate of Completion and accepting the work of Iowa Flat Works, Inc. for the 2022 Sidewalk Assessment Project - Zone 5.

Resolution #23,156, approving the Final Statement of Expenditures for the 2022 Sidewalk Assessment Project - Zone 5.

Resolution #23,157, approving and authorizing execution of a Storm Water Maintenance and Repair Agreement with McWing, LLC relative to a post-construction stormwater management plan for 3015-3045 Capital Way.

Receiving #23,158, and filing the bids, and approving and accepting the bid of Dave Schmitt Construction Co. Inc., in the amount of \$1,249,087.31, being the lowest bid received for the Ashworth Drive Extension Project.

Resolution #23,159, approving and authorizing execution of an Owner Purchase Agreement, and approving and accepting a Sanitary Sewer Easement and Temporary Construction Easement, in conjunction with the North Cedar Heights Area Reconstruction Project.

Resolution #23,160, approving and authorizing execution of a Professional Service Agreement with AECOM Technical Services, Inc. for design services relative to the Greenwood Cemetery Slope Stabilization Project.

Resolution #23,161, approving and authorizing execution of four Owner Purchase Agreements, and approving and accepting four Temporary Construction Easements, in conjunction with the 2023 Alley Reconstruction Project.

Resolution #23,162, receiving and filing, and setting May 15, 2023 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2023 Alley Reconstruction Project.

Resolution #23,163, receiving and filing, and setting May 15, 2023 as the date of public hearing on the proposed plans, specifications, form of contract & estimate

of cost for the 2023 Seal Coat Project.

Resolution #23,164, setting May 15, 2023 as the date of public hearing on proposed amendments to the City's FY2023 Budget.

Resolution #23,165, setting May 15, 2023 as the date of public hearing on a proposal to vacate a portion of Hudson Road right-of-way.

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 #23,145 through #23,165 duly passed and adopted.

54289 - It was moved by Ganfield and seconded by Harding that the bills and claims of May 1, 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.

54290 - Councilmember Dunn commented on the Household Hazardous Waste and Electronics Recycling Drop-off Event being held on May 6, 2023 from 9AM-1PM.

54291 - It was moved by Harding and seconded by Sires to refer to the Finance & Business Operations Committee discussion of retiring or expiring tax increment financing (TIF) districts and the process of releasing funds. Following comments by Councilmember deBuhr, the motion carried 6-1, with Dunn voting Nay.

It was moved by deBuhr and seconded by Ganfield to refer the Committee of the Whole review of the City Council Proclamation Policy. Motion carried unanimously.

54292 - It was moved by Kruse and seconded by Dunn that the meeting be adjourned at 9:23 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk