

**CITY HALL  
CEDAR FALLS, IOWA, OCTOBER 16, 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.

- 54488 - It was moved by Kruse and seconded by deBuhr that the minutes of the Regular Meeting of October 2, 2023 be approved as presented and ordered of record. Motion carried unanimously.
- 54489 - Mayor Green conducted the swearing-in ceremony for Police K-9 Boona.
- 54490 - Rick Sharp, Pleasantville, Iowa, commented on Sturgis Falls and requested the City create a Board to oversee it. He also requested no additional funds be provided by the City. Director Rodenbeck commented.

Reverend Michael Blackwell, Cedar Falls, encouraged the city to improve race relations and work with Waterloo to improve the quality of life in the Cedar Valley. Councilmember Schultz and Mayor Green commented.

- 54491 - Mayor Green announced that in accordance with the public notice of October 7, 2023, this was the time and place for a public hearing to consider entering into an Agreement for Private Development, and to consider conveyance of city-owned real estate to KL Iowa 02, LLC. It was then moved by Harding and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54492 - The Mayor then asked if there were any written communications filed to the proposed agreement and 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 proposal. There being no one else present wishing to speak about the proposed agreement and conveyance, the Mayor declared the hearing closed and passed to the next order of business.
- 54493 - It was moved by Ganfield and seconded by Harding that Resolution #23,351, approving and authorizing execution of an Agreement for Private Development and a Minimum Assessment Agreement; and approving and authorizing execution of a Deed Without Warranty, conveying certain city-owned real estate to KL Iowa 02, 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 #23,351 duly passed and adopted.

- 54494 - Mayor Green announced that in accordance with the public notice of October 7, 2023, this was the time and place for a public hearing to consider vacating a drainage easement on Lots 17 & 18 in West Viking Road Industrial Park Phase V. 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.
- 54495 - The Mayor then asked if there were any written communications filed to the proposed vacation. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planning & Community Services Manager Howard provided a summary of the proposed vacation. There being no one else present wishing to speak about the proposed vacation, the Mayor declared the hearing closed and passed to the next order of business.
- 54496 - It was moved by Kruse and seconded by Harding that Resolution #23,352, approving and authorizing vacation of a drainage easement on Lots 17 & 18 in West Viking Road Industrial Park Phase V, 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 #23,352 duly passed and adopted.
- 54497 - Mayor Green announced that in accordance with the public notice of October 7, 2023, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the North Cedar Heights Reconstruction Project – Phase II, and to authorize acquisition of private property for said 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.
- 54498 - 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 proposed project. There being no one else present wishing to speak about the proposed project, the Mayor declared the hearing closed and passed to the next order of business.
- 54499 - It was moved by Kruse and seconded by Harding that Resolution #23,353, approving a public improvement project for the North Cedar Heights Reconstruction Project – Phase II, and authorizing acquisition of private property for said project, 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 #23,353 duly passed and adopted.

- 54500 - Mayor Green announced that in accordance with the public notice of October 7, 2023, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the West Viking Road Reconstruction Project, and to authorize acquisition of private property for said project. It was then moved by Ganfield and seconded by Sires that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54501 - The Mayor then asked if there were any written communications filed to the proposed project. Upon being advised that there was one written communication on file, the Mayor then called for oral comments. City Engineer Wicke provided a summary of the proposed project. Following questions and comments by Cedar Falls residents Matt Myers, Rob Zey and Steve Riggs, and Councilmember Kruse, and responses by Wicke, the Mayor declared the hearing closed and passed to the next order of business.
- 54502 - It was moved by Harding and seconded by Dunn that Resolution #23,354, approving a public improvement project for the West Viking Road Reconstruction Project, and authorizing acquisition of private property for said project, be adopted. Following questions by Councilmembers Ganfield, Kruse and deBuhr, 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, Sires, Dunn. Nay: Ganfield. Motion Carried. The Mayor then declared Resolution #23,354 duly passed and adopted.
- 54503 - Mayor Green announced that in accordance with the public notice of October 7, 2023, this was the time and place for a public hearing on proposed amendments to Chapter 26, Zoning relative to shared parking requirements in the Downtown Character District (CD-DT). It was then moved by Ganfield and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54504 - The Mayor then asked if there were any written communications filed to the proposed amendment. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planning & Community Services Manager Howard provided a summary of the proposed amendment. Following comments by Walter Burtis, Cedar Falls, the Mayor declared the hearing closed and passed to the next order of business.
- 54505 - It was moved by Ganfield and seconded by Kruse that Ordinance #3045, amending Chapter 26, Zoning, by removing Section 26-196E. Special Parking Standards, relative to allowing adjacent on-street parking to count towards shared parking requirements in the Downtown Character District (CD-DT), be passed upon its first consideration. Following comments and questions by Councilmembers Harding, deBuhr, Schultz, Dunn and Kruse, 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. Nay: Dunn. Motion carried.

54506 - It was moved by Kruse and seconded by Ganfield that Ordinance #3044, granting a partial property tax exemption to KL Iowa 01, LLC for construction of a warehouse and manufacturing facility at 6313 Production Drive, 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.

54507 - 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 October 2, 2023 relative to the following items:

- a) Native Plantings in the City Right-Of-Way.
- b) College Hill Vision Plan.
- c) 12th & Clay Street Update.

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

- a) Maureen Burum, Community Center and Senior Services Board, June 30, 2026.

Approve the following applications for retail alcohol licenses:

- a) Casey's General Store, 601 Main Street, Class E retail alcohol - renewal.
- b) Fareway Store, 4500 South Main Street, Class E retail alcohol - renewal.
- c) Fast Track Racing, 200 block West 2nd Street, Special Class C retail alcohol & outdoor service - 5-day permit.

Motion carried unanimously.

54508 - It was moved by Harding and seconded by Ganfield that the following resolutions be introduced and adopted:

Resolution #23,355, approving and authorizing the expenditure of funds for replacement of additional network switches relative to updating the City's computer network equipment.

Resolution #23,356, approving and authorizing execution of a contract with the Governor's Traffic Safety Bureau (GTSB) relative to grant funding for traffic enforcement and training.

Resolution #23,357, approving and authorizing execution of an Iowa Welcome Center Operations Agreement with the Iowa Economic Development Authority (IEDA) relative to the Cedar Falls Tourism and Visitors Center partnering to provide Iowa DOT signage, technical assistance, and promotion through Iowa tourism publications.

Resolution #23,358, approving and authorizing execution of an Agreement with M.M. & A., d/b/a Icon Poly for fabrication of fiberglass statues for the Panthers on

Parade.

Resolution #23,359, approving and authorizing execution of Amendment Number Five to the Subaward Agreement with Iowa Department of Homeland Security and Emergency Management (HSEMD) for an extension of the Voluntary Property Acquisition Program funded through the Hazard Mitigation Grant Program relative to the Northern Cedar Falls Flood Buyout Program.

Resolution #23,360, approving and authorizing expenditure of funds for the purchase of an automated refuse collection apparatus for the Refuse Section.

Resolution #23,361, approving and authorizing execution of a Professional Services Agreement with Strand Associates, Inc. for facility planning services relative to the Water Reclamation Facility Upgrades Project.

Resolution #23,362, approving and authorizing execution of a Professional Service Agreement with Shive-Hattery, Inc. for design services relative to the West 23rd Street Reconstruction Project - Hudson Road to Campus Street.

Resolution #23,363, setting November 6, 2023 as the date of public hearing on a proposal to undertake a public improvement project for the Viking Road and Prairie Parkway Intersection Improvements Project, and to authorize acquisition of private property for said project.

Resolution #23,364, setting November 6, 2023 as the date of public hearing on the FFY22 Consolidated Annual Performance and Evaluation Report (CAPER) for Community Development Block Grant (CDBG) funded activities from July 1, 2022 through June 30, 2023.

Resolution #23,365, setting November 6, 2023 as the date of public hearing to consider entering into a proposed Amended and Restated Agreement for Private Development with McDonald Construction & Remodeling, LLC.

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 #23,355 through #23,365 duly passed and adopted.

54509 - It was moved by Dunn and seconded by Harding that Resolution #23,366, rescinding Resolution #22,360, being a resolution approving and adopting the Imagine College Hill! Vision Plan, be adopted. Mayor Green called for public comment.

The following spoke in opposition of rescinding the resolution:

Hannah Crisman, College Hill Partnership President

Noah Hackbart, UNI Student Liaison

Dr. Mark Nook, UNI President

Gabe Groothuis, Cedar Falls

Dave Deibler, Cedar Falls

Danny Laudick, Cedar Falls  
Laurinda (Lauri K.) Young, Cedar Falls

Following questions and comments by Councilmembers deBuhr, Harding, Sires, Kruse, Schultz and Dunn, and Mayor Green, and responses by City Attorney Rogers, City Administrator Gaines, Finance & Business Operations Director Rodenbeck, and Community Development Director Sheetz, it was moved by Sires and seconded by Ganfield to postpone discussion until the November 6, 2023 City Council Meeting. Following questions and comments by Councilmembers Harding, Kruse, Ganfield and deBuhr, and Mayor Green, and responses by Rogers, the motion to postpone failed with deBuhr, Kruse, Harding and Dunn voting Nay. Following comments by Councilmember Ganfield and Mayor Green, the Mayor put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Ganfield, Sires. Nay: Schultz, Harding, Dunn. Motion Carried. The Mayor then declared Resolution #23,366 duly passed and adopted. Mayor announced he will be considering a veto of the resolution.

- 54510 - It was moved by Kruse and seconded by Harding that Resolution #23,367, approving and authorizing execution of an Agreement with Fishbeck relative to a feasibility study for a potential Downtown parking facility, be adopted. Following comments and questions by Councilmembers Sires, deBuhr, Harding, Kruse, Schultz and Ganfield, and Mayor Green, and responses by Administrative & Parking Supervisor Breitbach, Finance & Business Operations Director Rodenbeck, and City Attorney Rogers, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Dunn. Nay: deBuhr, Ganfield, Sires. Motion Carried. The Mayor then declared Resolution #23,367 duly passed and adopted.
- 54511 - It was moved by Ganfield and seconded by Harding that Resolution #23,368, approving and authorizing execution of a Joint Funding Agreement for Water Resource Investigations with the U.S. Geological Survey for support, operation, and maintenance of the Cedar River Streamgage Station, be adopted. Following questions by Councilmembers Harding and Ganfield, and Mayor Green, 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 #23,368 duly passed and adopted.
- 54512 - It was moved by Kruse and seconded by Harding that the bills and claims of October 16, 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.
- 54513 - Councilmember Sires read a statement provided by Sturgis Falls President Jay Stoddard regarding competing events providing financial support for the parade and events held at Overman Park.

Councilmember Kruse commented on costs associated with Sturgis Falls events.

- 54514 - It was moved by Kruse and seconded by Sires to refer to the November 6, 2023 Community Development Committee review of the current R-4 and C-3 zoning areas in the College Hill Vision Plan. Following comments by Councilmembers Harding, Dunn, Sires and Kruse, the motion carried 5-2, with Harding and Dunn voting Nay.
- 54515 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 9:12 P.M. Motion carried unanimously.

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Kim Kerr, CMC, Administrative Supervisor