

**CITY HALL
CEDAR FALLS, IOWA, MARCH 20, 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 7:04 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

54200 - It was moved by Harding and seconded by Schultz that the minutes of the Regular Meeting of March 6, 2023 be approved as presented and ordered of record. Motion carried unanimously.

54201 - Rosemary Beach, 5018 Sage Road, commented on the need for ADA compliant restrooms downtown.

Kathryn Delau, 2214 Coventry Lane, expressed concerns with neighboring nuisance property and requested more aggressive means of abatement.

Forrest Dawkins, 2323 Yorkshire Drive, echoed the previous speakers concerns and agreed that it is a dangerous situation.

Community Development Director Sheetz and Building Official Castle responded that the nuisance property is under contract to be purchased.

54202 - Finance & Business Operations Director Rodenbeck provided an update on the budget process and issues with publication of the notice causing delays in the process.

54203 - Mayor Green announced that in accordance with the public notice of March 10, 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 Planning & Zoning Commission review of site plans in the Downtown Character District (CD-DT). It was then moved by Kruse and seconded by Dunn that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

54204 - 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. Planning & Community Services Manager Howard provided a brief summary of the proposed amendments. There being no one else present wishing to speak about the proposed amendments, the Mayor declared the hearing closed and passed to the next order of business.

54205 - Following comments by Mayor Green, 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 first consideration. Following comments and questions by Councilmembers deBuhr, Kruse, Harding, Ganfield, Dunn, Sires and Schultz, and Mayor Green, and responses by Planning & Community Services Manager Howard and City Attorney Rogers, 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.

- 54206 - Mayor Green announced that in accordance with the public notice of March 10, 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 eliminating the shared parking requirement in the Downtown Character District (CD-DT). It was then moved by deBuhr and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54207 - 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. Planning & Community Services Manager Howard provided a brief summary of the proposed amendments. There being no one else present wishing to speak about the proposed amendments, the Mayor declared the hearing closed and passed to the next order of business.
- 54208 - It was moved by deBuhr and seconded by Harding that an ordinance amending Chapter 26, Zoning, of the Code of Ordinances relative to eliminating the shared parking requirement in the Downtown Character District (CD-DT), be passed upon its first consideration. Following comments and questions by Councilmembers Harding, deBuhr, Kruse, Sires and Ganfield, and Mayor Green, it was moved by Kruse that if shared parking is denied, residential parking requirements be increased to one bedroom. Mayor called the motion out of order. The Mayor then put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Ganfield, Sires. Nay: Schultz, Kruse, Harding, Dunn. Motion failed.
- 54209 - Mayor Green announced that in accordance with the public notice of March 10, 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 increasing residential parking requirements in the Downtown Character District (CD-DT) to one parking space per bedroom. 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.
- 54210 - 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. Planning & Community Services Manager Howard provided a brief summary of the proposed amendments. There being no one else present wishing to speak about the proposed amendments, the Mayor declared the hearing closed and passed to

the next order of business.

54211 - It was moved by Harding and seconded by Schultz that an ordinance amending Chapter 26, Zoning, of the Code of Ordinances relative to increasing residential parking requirements in the Downtown Character District (CD-DT) to one parking space per bedroom, be passed upon its first consideration. Following comments and questions by Councilmembers Kruse, deBuhr, Schultz and Dunn, 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: Kruse, deBuhr, Sires. Nay: Schultz, Harding, Ganfield, Dunn. Motion failed.

54212 - It was moved by Ganfield 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 March 6, 2023 relative to the following items:

- a) FY2024 Budget.
- b) Economic Development Incentives.

Approve a proclamation recognizing March 20, 2023 as Robotics week.

Receive and file a communication from the Civil Service Commission relative to the certified list for the position of Assistant Equipment Mechanic in the Public Works Department.

Approve an Order Accepting Acknowledgment/Settlement Agreement with The Music Station, a/k/a Mini Mart, 1420 West 1st Street, for a first tobacco violation.

Approve the following applications for retail alcohol licenses:

- a) Barn Happy, 11310 University Avenue, Special Class B retail native wine - renewal.
- b) Chilitos Mexican Bar and Grill, 1704 West 1st Street, Class C retail alcohol - renewal.
- c) Social House, 2208 College Street, Class C retail alcohol & outdoor service - renewal.
- d) Prime Mart, 2728 Center Street, Class E retail alcohol – renewal.
- e) The Wine Shop, 305 Main Street, Special Class C retail alcohol – adding outdoor service.
- f) Godfather's Pizza, 1621 West 1st Street, Special Class C retail alcohol - new.
- g) Hurling Hatchet, 100 East 2nd Street, Special Class C retail alcohol - new.

Motion carried unanimously.

54213 - It was moved by Harding and seconded by Kruse that the following resolutions be introduced and adopted:

Resolution #23,095, authorizing the Mayor's appointment and two designated alternates to the Black Hawk County Metropolitan Area Transportation Organization (MPO) Policy Board.

Resolution #23,096, approving payment, and approving and accepting Release and Settlement Agreements with respect to the City's issuance on August 31, 2022, of General Obligation Capital Loan Notes, Series 2022, maturing annually on June 1, 2024 through June 1, 2035, and authorizing and directing the Mayor and City Clerk to execute said Release and Settlement Agreements on behalf of the City, as follows:

- a) Investor "A" Maturity 2029 & 2030: \$19,029.55
- b) Investor "B" Maturity 2031 & 2032: \$22,470.25
- c) Investor "C" Maturity 2033 & 2034: \$22,342.10
- d) Investor "D" Maturity 2035: \$22,497.75

Resolution #23,097, approving and authorizing execution of a Contract for demo and discovery with Peters Construction Corp. relative to the Pheasant Ridge Golf Course Pro Shop.

Resolution #23,098, approving a Mixed Use (MU) Zoning District site plan for a triplex to be located on Lot 1, Pinnacle Ridge First Addition.

Resolution #23,099, approving the final plat of West Viking Road Industrial Park Phase VI.

Resolution #23,100, approving and accepting a Temporary Construction Easement, in conjunction with the North Cedar Heights Area Reconstruction Project.

Resolution #23,101, approving and authorizing execution of a Change of Work Order to the Contract with Peterson Contractors, Inc. relative to West Viking Road Industrial Park Project Phase VI.

Resolution #23,102, receiving and filing bids, and approving and accepting the bid of Municipal Pipe Tool Company LLC, in the amount of \$253,025.25, being the lowest bid received for the 2023 Sanitary Sewer Rehabilitation Project.

Resolution #23,103, receiving and filing the bids, and approving and accepting the bid of Peterson Contractors, Inc., in the amount of \$2,664,055.20, being the lowest bid received for the 2023 Street Construction Project.

Resolution #23,104, setting April 3, 2023 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to adaptive reuse of defunct institutional buildings.

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 #23,095 through #23,104 duly passed and adopted.

54214 - It was moved by Ganfield and seconded by Harding that Resolution #23,105, approving and authorizing execution of an Agreement for Public Services with Cedar Valley Youth Soccer Association relative to providing opportunities for youth soccer, be adopted. Following comments by Cedar Valley Soccer Club

President Tom Herzmann, 1122 West 10th Street, Councilmember Sires and Mayor Green, 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 #23,105 duly passed and adopted.

54215 - It was moved by Ganfield and seconded by Kruse that Resolution #23,106, setting April 3, 2023 as the date of public hearing on the maximum levy rate, be adopted. Following a comment by Councilmember Kruse, question by Councilmember Ganfield, and response by Finance & Business Operations Director Rodenbeck, 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 #23,106 duly passed and adopted.

54216 - It was moved by Harding and seconded by Ganfield that the bills and claims of March 20, 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.

54217 - It was moved by Kruse and seconded by deBuhr to refer to the Planning & Zoning Commission to remove the ability of street parking to be considered as required shared parking for developments. Following a comment by Councilmember Kruse, the motion carried 5-2, with Harding and Dunn voting Nay.

It was moved by Kruse and seconded by Ganfield to refer to Committee of the Whole discussion of pricing of lots in the Industrial Park. Motion carried 6-1, with Dunn voting Nay.

54218 - It was moved by Kruse and seconded by Ganfield to adjourn to Executive Session for the annual discussion of the City Administrator's performance pursuant to Iowa Code Section 21.5(1)(i) and City Code Section 2-217. Upon call of the roll, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

The City Council adjourned to Executive Session at 8:50 P.M.

Mayor Green reconvened the Council meeting at 10:22 P.M.

54219 - It was moved by Ganfield and seconded by Dunn that the meeting be adjourned at 10:23 P.M. Motion carried unanimously.