

**CITY HALL
CEDAR FALLS, IOWA, JANUARY 3, 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 7:07 P.M. on the above date. Members present: Schultz (via phone), deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.
- 54093 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of December 19, 2022 be approved as presented and ordered of record. Motion carried unanimously.
- 54094 - The Mayor then asked if there were any agenda revisions. City Clerk Danielsen noted that items 22, 28 and 29 on the Resolution Calendar were being removed from the agenda.
- 54095 - Tamie Stahl, 1009 Lakeshore Drive, spoke in support of Fire Chief Bostwick and requested his reinstatement. Mayor Green clarified that Chief Bostwick is currently on administrative leave and has not suspended.
- 54096 - City Administrator Gaines announced that an offer of employment has been made for the Diversity Equity Inclusion Specialist position.
- 54097 - Mayor Green announced that in accordance with the public notice of December 21, 2022, this was the time and place for a public hearing on the proposed FY2023-FY2028 Capital Improvements Program (CIP). It was then moved by Harding and seconded by Dunn that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54098 - The Mayor then asked if there were any written communications filed to the proposed CIP. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Finance & Business Operations Director Rodenbeck provided a summary of the proposed CIP and budget process. There being no one else present wishing to speak about the CIP, the Mayor declared the hearing closed and passed to the next order of business.
- 54099 - It was moved by Dunn and seconded by Harding that a resolution approving and adopting the FY2023-FY2028 Capital Improvements Program (CIP), be adopted. Following comments and questions by Councilmembers deBuhr, Ganfield, Sires, and Kruse, and responses by City Administrator Gaines, Finance & Business Operations Director Rodenbeck and Public Works Director Schrage, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Harding, Dunn. Nay: deBuhr, Kruse, Ganfield, Sires. Motion failed.
- 54100 - Mayor Green announced that in accordance with the public notice of December 22, 2022, this was the time and place for a public hearing on a proposed

Southwest Cedar Falls Urban Renewal Plan for a proposed urban renewal area. 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.

- 54101 - 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. Economic Development Coordinator Graham provided a brief summary of the proposed Urban Renewal Plan. There being no one else present wishing to speak about the plan, the Mayor declared the hearing closed and passed to the next order of business.
- 54102 - It was moved by Kruse and seconded by deBuhr that Resolution #23,019, determining an area of the City to be an economic development area, and that the rehabilitation, conservation, redevelopment or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of the City; designating such area as appropriate for urban renewal projects; and adopting the Southwest Cedar Falls Urban Renewal Plan, be adopted. Following a question by Councilmember Ganfield and response by Economic Development Coordinator Graham, 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 #23,019 duly passed and adopted.
- 54103 - It was moved by Kruse and seconded by Harding that Resolution #23,020, approving and authorizing execution of an Offer to Buy Real Estate and Acceptance for real estate located at 6512 West Ridgeway Avenue relative to expansion of the West Viking Road Industrial Park, 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 #23,020 duly passed and adopted.
- 54104 - It was moved by deBuhr and seconded by Kruse to repass, over Mayor's veto, Ordinance #3021, amending Section 18-23(5), Powers and duties of the Planning and Zoning Commission, of the Code of Ordinances relative to removing 2/3 majority vote required by City Council to approve amendments to the City's comprehensive plan that are disapproved by the Planning and Zoning Commission. Following comments by Councilmembers deBuhr, Dunn, Ganfield, Harding, Schultz, Sires and Kruse, and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Ganfield, Sires. Nay: Schultz, Harding, Dunn. Motion failed due to requirement of five aye votes.
- 54105 - It was moved by Harding and seconded by Dunn to repass, over Mayor's veto, Ordinance #3022, amending Chapter 26, Zoning, of the Code of Ordinances relative to removing the 2/3 majority vote required by City Council to approve zoning amendments that are disapproved by the Planning and Zoning Commission. Following comments by Councilmember Ganfield, the Mayor put the question on the motion and upon call of the roll, the following named

Councilmembers voted. Aye: deBuhr, Kruse, Ganfield, Sires. Nay: Schultz, Harding, Dunn. Motion failed due to requirement of five aye votes.

- 54106 - It was moved by Harding and seconded by Ganfield that the following items on the Consent Calendar be received, filed and approved:

Receive and file the report of the Mayor relative to the appointment of Mayor Pro Tem for 2023.

Receive and file the report of the Mayor relative to the appointment of Standing Committees for 2023.

Receive and file the City Council Goal Setting Report of November 15 & 17, 2022.

Receive and file the City Council Standing Committee minutes of December 19, 2022 relative to the following items:

- a) Capital Improvements Program (CIP).
- b) Format of FY2024 City Council Goals, Work Program and Short-Term Financial Plan document.

Receive and file CFD 1123: Mayor Policy - Council Meeting Security and Good Order.

Receive and file the resignation of Don Timmerman as a member of the Housing Commission.

Receive and file Departmental Monthly Reports of November 2022.

Approve the following applications for retail alcohol licenses:

- a) Huhot Mongolian Grill, 6301 University Avenue, Special Class C retail alcohol - renewal.
- b) Hy-Vee Market Grille, 6301 University Avenue, Class C retail alcohol – change in ownership.
- c) Hy-Vee Food Store, 6301 University Avenue, Class E retail alcohol – change in ownership.
- d) AmericInn by Wyndham, 5818 Nordic Drive, Class B retail alcohol – new.
- e) Holiday Inn Express & Suites, 1614 Technology Parkway, Class B retail alcohol – new.
- f) Second State Brewing, 203 State Street, Class C retail alcohol & outdoor service – new.

Motion carried unanimously.

- 54107 - It was moved by Kruse and seconded by Harding to receive and file Disclosures of Potential Conflicts of Interest for elected officials. Following comments and questions by Councilmembers deBuhr, Sires and Dunn, and responses by Mayor Green, the motion carried 5-2, with deBuhr and Kruse voting Nay.

- 54108 - It was moved by Harding and seconded by Ganfield to receive and file CFD 1129: Mayor Policy - Administrator Performance Evaluation. Following a request by Councilmember deBuhr to replace the word “councilors” to “councilmembers”

throughout the document, the motion carried unanimously.

- 54109 - It was moved by Kruse and seconded by Dunn that the following resolutions be introduced and adopted:

Resolution #23,021, approving and adopting amendments to Personnel Policy 307: Overtime, for the City of Cedar Falls.

Resolution #23,022, levying a final assessment for costs incurred by the City to mow the property located at 323 West 2nd Street.

Resolution #23,023, levying a final assessment for costs incurred by the City to mow the property located at 829 Lilac Lane.

Resolution #23,024, approving and authorizing execution of an Agreement for the Use of State or Local Overtime and Authorized Expense/Strategic Initiative Program for Organized Crime Drug Enforcement Task Force (OCDETF) for FY2023, Case #WC-IAN-139.

Resolution #23,025, approving and authorizing execution of an Agreement for the Use of State or Local Overtime and Authorized Expense/Strategic Initiative Program for Organized Crime Drug Enforcement Task Force (OCDETF) for FY2023, Case #WC-IAN-136.

Resolution #23,026, approving and authorizing execution of a Travel Iowa Data Co-op Agreement with the Iowa Economic Development Authority (IEDA) relative to access to statewide and localized visitation data.

Resolution #23,027, approving and authorizing execution of an Owner Purchase Agreement; and approving and accepting one Temporary Construction Easement, in conjunction with the Main Street Reconstruction Project.

Resolution #23,028, approving and accepting two Warranty Deeds, in conjunction with the Main Street Reconstruction Project.

Resolution #23,029, setting January 17, 2023 as the date of public hearing on the proposed rezoning to R-4, Multiple Unit Residential, and associated zoning agreement for property located on Greenhill Circle, Midway Business Park.

Resolution setting #23,030, January 17, 2023 as the date of public hearing on the proposed rezoning from R-4, Multiple Unit Residential, to R-1, One & Two Unit Residential, for Lots 1-4, Midway Second Addition.

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, Kruse, Harding, Ganfield, Sires, Dunn. Nay: deBuhr. Motion carried. The Mayor then declared Resolutions #23,021 through #23,030 duly passed and adopted.

- 54110 - It was moved by Dunn and seconded by Harding that Resolution #23,031, approving and adopting the FY2024 City Council Goals, Work Program and Short-Term Financial Plan, 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, Harding, Ganfield, Dunn. Nay: deBuhr, Kruse, Sires. Motion Carried. The Mayor then declared Resolution #23,031 duly passed and adopted.

- 54111 - It was moved by Kruse and seconded by Harding that Resolution #23,032, approving and authorizing execution of a Services Agreement with Cope Murphy + Co. LLP relative to providing lobbyist services relative to legislative action, be adopted. Following comments and questions by Councilmembers Kruse and deBuhr, and responses by Finance & Business Operations Director Rodenbeck and Mayor Green, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Dunn. Nay: Schultz, Ganfield, Sires. Motion Carried. The Mayor then declared Resolution #23,032 duly passed and adopted.
- 54112 - It was moved by Dunn and seconded by Harding that Resolution #23,033, approving a C-1, Commercial Zoning District site plan for construction of a triplex to be located on Lot 4, Hannah Park Commercial Addition, be adopted. Following a question by Councilmember deBuhr and response 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, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,033 duly passed and adopted.
- 54113 - It was moved by Dunn and seconded by Harding that the bills and claims of January 3, 2022 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.
- 54114 - It was moved by Kruse and seconded by Harding to adjourn to Executive Session to discuss Legal Matters per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. 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 8:16 P.M.

Mayor Green reconvened the Council meeting at 9:35 P.M.

- 54115 - It was moved by Ganfield and seconded by Sires that the meeting be adjourned at 9:36 P.M. Motion carried unanimously.