

**CITY HALL  
CEDAR FALLS, IOWA, APRIL 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 7:20 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield (arrived at 7:56 P.M.), Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

54240 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of April 3, 2023 be approved as presented and ordered of record. Motion carried unanimously.

54241 - Rosemary Beach, 5018 Sage Road, commented and expressed appreciation to City Council and city staff for the public restroom discussion at the Committee meeting.

Brian Wingert, 2110 Flynn Drive, commented on a new restaurant being planned downtown and suggested a potential private/public partnership for restrooms as part of the project. Mr. Wingert also spoke about benefits of the workforce housing tax credits.

Kyle Nelson, 2714 Rownd Street, requested a code amendment to allow accessory dwelling units in other areas of the city besides downtown.

54242 - Community Development Director Sheetz provided an update on the job fair that was held on April 15th and noted that job openings are available on the City's web site.

53243 - Mayor announced that this was the time and place for a hearing on a complaint issued to Baba Fareed LLC, d/b/a Great Wall China, 2125 College Street, Suite D, for a first tobacco violation. Assistant City Attorney Sam Anderson provided background on the tobacco complaint. Following comments on behalf of Great Wall China by owner Ghulam Qureshi, the Mayor declared the hearing closed and passed to the next order of business.

It was moved by Kruse and seconded by Dunn to approve and authorize execution of an Order Assessing Penalty relative to a First Tobacco Violation regarding Great Wall China, 2125 College Street, Suite D. 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, Dunn. Nay: None. Motion carried.

53244 - Mayor announced that this was the time and place for a hearing on a complaint issued to Cedar Sky, Inc., d/b/a Bani's, 2128 College Street, for a third tobacco violation. Assistant City Attorney Sam Anderson commented on behalf of the City and requested that the public hearing be continued for one month. The request to postpone the hearing was unanimously approved.

Following comments by Mayor Green, there was consensus by Council to postpone agenda items #4 and #5 until Councilmember Ganfield's return.

- 54245 - Mayor Green announced that in accordance with the public notice of April 7, 2023, this was the time and place for a public hearing on the on the proposed plans, specifications, form of contract & estimate of cost for the Ashworth Drive Roadway Extension Project. It was then moved by Kruse and seconded by Sires that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54246 - The Mayor then asked if there were any written communications filed to the 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.
- 54247- It was moved by Kruse and seconded by deBuhr that Resolution #23,128, approving and adopting the plans, specifications, form of contract & estimate of cost for the Ashworth Drive Roadway Extension Project, be adopted. Following questions and comments by Councilmembers Kruse, Schultz and Sires, and responses by City Engineer Wicke, City Administrator Gaines 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, deBuhr, Kruse, Harding, Dunn. Nay: Sires. Motion carried. The Mayor then declared Resolution #23,128 duly passed and adopted.
- 54248 - Mayor Green announced that in accordance with the public notice of April 7, 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 signage for Civic/Institutional Uses in the Downtown Character District (CD-DT). 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.
- 54249 - 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 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.
- 54250 - 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 first 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, Sires, Dunn. Nay: None. Motion carried.

Councilmember Ganfield present at 7:56 P.M. Council consensus was to continue with the remaining public hearings before returning to items #4 and #5.

- 54251 - Mayor Green announced that in accordance with the public notice of April 7, 2023, this was the time and place for a public hearing on the proposed rezoning from A-1, Agricultural District to R-1, Residence District approximately 3 acres of property located west of the Hudson Road & Ashworth Drive intersection, f/n/a 4919 Hudson Road. It was then moved by Kruse and seconded by deBuhr that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54252 - The Mayor then asked if there were any written communications filed to the proposed rezoning. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Planner III Weintraut provided a summary of the proposed rezoning. There being no one else present wishing to speak about the proposed rezoning, the Mayor declared the hearing closed and passed to the next order of business.
- 54253 - It was moved by Kruse and seconded by Harding 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 first 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.
- 54254 - Mayor Green announced that in accordance with the public notice of April 7, 2023, this was the time and place for a public hearing on the proposed rezoning from A-1, Agricultural District to R-2, Residence District approximately 14.43 acres of property located north of Black Hawk Park Addition and west of Cypress Avenue. 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.
- 54255 - The Mayor then asked if there were any written communications filed to the proposed rezoning. 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 rezoning. There being no one else present wishing to speak about the proposed rezoning, the Mayor declared the hearing closed and passed to the next order of business.
- 54256 - It was moved by Kruse and seconded by Schultz 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 first consideration. Following a question by Councilmember Ganfield, 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.
- 54257 - Mayor Green announced that in accordance with the public notice of April 7, 2023, this was the time and place for a public hearing to consider entering into a proposed Purchase, Sale and Development Agreement and Minimum Assessment Agreement; and to consider conveyance of city-owned real estate to CF Storage, LLC. 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 6-1, with Sires abstaining.
- 54258 - The Mayor then asked if there were any written communications filed to the proposed 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 conveyance. There being no one else present wishing to speak about the conveyance, the Mayor declared the hearing closed and passed to the next order of business.
- 54259- It was moved by Ganfield and seconded by Schultz that Resolution #23,127, approving and authorizing execution of a Purchase, Sale, and Development Agreement and Minimum Assessment Agreement, approving and authorizing execution of a Deed Without Warranty conveying certain city-owned real estate to CF Storage, LLC, be adopted. Following questions by Councilmembers deBuhr and Ganfield, comments by Mayor Green, and responses by Economic Development Coordinator Graham and 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, Dunn. Nay: None. Abstain: Sires. Motion carried. The Mayor then declared Resolution #23,127 duly passed and adopted.
- 54260 - Mayor Green announced that in accordance with the public notice of April 5, 2023, this was the time and place for a public hearing on the proposed FY2024 Budget for the City of Cedar Falls. 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.
- 54261 - The Mayor then asked if there were any written communications filed to the proposed budget. 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 budget process. There being no one else present wishing to speak about the budget, the Mayor declared the hearing closed and passed to the next order of business.
- 54262- It was moved by Ganfield and seconded by Harding that Resolution #23,126, approving and adopting the FY2024 Budget for the City of Cedar Falls, be adopted. Following questions and comments by Councilmembers Harding and Kruse, and responses by Finance & Business Operations Director Rodenbeck, it was moved by Kruse and seconded by Sires to amend the budget to use \$105,000 of excess hotel/motel revenue in FY23 to lower the tax rate of FY24 to

\$11.40. Director Rodenbeck commented. Following questions and comments by Councilmembers Kruse, Dunn, Harding and Sires, and Mayor Green, and responses by Rodenbeck, it was moved by Sires to amend the motion to move excess savings to general funds for property tax relief. Director Rodenbeck and Mayor Green commented. The motion by Sires failed for lack of a second. Following a question by Ganfield and responses by Rodenbeck and City Administrator Gaines, discussion continued on the original amendment. Following comments by Rodenbeck and Councilmembers Kruse, deBuhr and Schultz, the motion to amend carried 6-1, with Dunn voting Nay. Following additional questions by Councilmembers Kruse, Harding and Ganfield, and responses by Rodenbeck, the Mayor put the question on the original motion as amended and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Harding, Ganfield, Dunn. Nay: Sires. Motion carried. The Mayor then declared Resolution #23,126 duly passed and adopted.

54263 - 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 third and final 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: Kruse, deBuhr, Ganfield, Sires. Nay: Schultz, Harding, Dunn. Motion failed due to 5 aye votes being required.

54264 - It was moved by Kruse and seconded by Dunn 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 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: Schultz. Motion carried.

54265 - 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 3, 2023 relative to the following items:

- a) "Low Mow May" Presentation.
- b) FY2024 Budget Presentation.

Approve a proclamation recognizing May 2023 as National Bike Month, May 3, 2023 as Bike to School Day, May 15-21, 2023 as Bike to Work Week, and May 17, 2023 as National Ride in Silence Day.

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

- a) MaryJane McCollum, Board of Rental Housing Appeals, term ending 05/01/2027.
- b) Bruce Wingert, Board of Rental Housing Appeals, term ending 05/01/2027.

Approve an Order Accepting Acknowledgment/Settlement Agreement with BSE, Inc., d/b/a Prime Mart, 2323 Main Street, for a first tobacco violation.

Approve the following applications for retail alcohol licenses:

- a) Berk's Main Street Pub, 207 Main Street, Class C retail alcohol - renewal.
- b) Jorgensen Plaza (Table 1912, Diamond Event Center and Gilmore's Pub), 5307 Caraway Lane, Class C retail alcohol & outdoor service – renewal.
- c) Suds, 2223 ½ College Street, Class C retail alcohol & outdoor service – renewal.
- d) The Horny Toad American Bar & Grille, 204 Main Street, Class C retail alcohol – renewal.
- e) ZSAVOOZ, 206 Brandilynn Boulevard, Class C retail alcohol & outdoor service – renewal.
- f) Walgreens, 2509 Whitetail Drive, Class E retail alcohol - renewal.
- g) Amvets, 1934 Irving Street, Class F retail alcohol & outdoor service - temporary expansion of outdoor service area.

Motion carried unanimously.

54266 - It was moved by Kruse and seconded by Ganfield that the following resolutions be introduced and adopted:

Resolution #23,129, rescheduling the regularly scheduled City Council meeting of July 3, 2023 to July 17, 2023.

Resolution #23,130, approving and authorizing execution of a contract for West Proflex with West Publishing Corporation relative to legal research service conducted by the City Attorney.

Resolution #23,131, approving and authorizing execution of an Offer to Buy Real Estate and Acceptance for 2.35 acres of property located at 2603 South Union Road relative to expansion of the West Viking Road Industrial Park.

Resolution #23,132, approving and authorizing execution of a First Amendment to the Service/Product Agreement for Federally Funded Project with Iowa Northland Regional Council of Governments (INRCOG) for administration and technical services for activities relative to FY2023 (FFY2022) Community Development Block Grant (CDBG) and HOME funding project delivery.

Resolution #23,133, approving the Gateway Business Park Lot 2 Minor Subdivision Plat, a replat of Lot 2 of Gateway Business Park at Cedar Falls 1.

Resolution #23,134, approving and authorizing expenditure of funds for the purchase of a cutter for the Cedar Heights Lift Station.

Resolution #23,135, approving and authorizing execution of a contract with Quality Striping, Inc. relative to 2023 pavement marking services.

Resolution #23,136, approving and authorizing expenditure of funds for the purchase of a Street Paint Line Striping Unit for the Traffic Operations Section.

Resolution #23,137, approving and authorizing execution of a Service/Product Agreement with Lehman Trucking & Excavating Inc. for demolition of structures relative to the Main Street Reconstruction project.

Resolution #23,138, approving and accepting a Warranty Deed, in conjunction with the Main Street Reconstruction Project.

Resolution #23,139, receiving and filing, and rejecting the only bid received for the North Cedar Heights Area Reconstruction Project - Phase 1.

Resolution #23,140, approving the Certificate of Completion and accepting the work of Owen Contracting, Inc. for the Cyber Lane Extension Project.

Resolution #23,141, receiving and filing, and setting May 1, 2023 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the North Cedar Heights Area Reconstruction Project - Phase 1A.

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 #23,129 through #23,141 duly passed and adopted.

54267 - It was moved by Sires and seconded by deBuhr that the bills and claims of April 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. Upon call of the roll, the following named Councilmembers voted. Aye: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried.

54268 - Councilmember Dunn commented on the success of the Career Fair and thanked staff for their participation.

Councilmember deBuhr asked about extending the reduced-price leaf pickup into May. City Attorney Rogers responded this would require an amendment to the fee schedule by a resolution.

Councilmember Sires commented that he was contacted by a citizen who would like to donate two Australian Labradoodles to the city as service dogs.

Mayor Green announced the ribbon cutting and open house for City Hall on May 15<sup>th</sup>, from 4-6 P.M. He also reminded citizens of Earth Week activities.

54269 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 8:45 P.M. Motion carried unanimously.

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Kim Kerr, CMC, Administrative Supervisor