

**CITY HALL
CEDAR FALLS, IOWA, SEPTEMBER 5, 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 (electronically), Harding, Sires, Dunn. Absent: Ganfield. Mayor Green led the Pledge of Allegiance.
- 54433 - It was moved by Harding and seconded by Dunn that the minutes of the Regular Meeting of August 21, 2023 be approved as presented and ordered of record. Motion carried unanimously.
- 54434 - Mayor Green read the following proclamations:
- Proclamation recognizing September 2023 as National Suicide Prevention Month. Black Hawk – Grundy Mental Health Center representative Tom Eachus, LISW commented.
- Proclamation recognizing September 17-23, 2023 as National Constitution Week. Daughters of the American Revolution (DAR) representatives Barb Gregerson, Debbie Crawford and Debbie Goodenbour accepted and commented.
- 54435 - Reverend Michael Blackwell, Cedar Falls, spoke about racism and the need for action in Cedar Falls.
- Bobbi Jo Page, Grundy County, also commented on racism.
- 54436 - Public Works Director Schrage provided an update on the Cedar River Recreational Improvements Project.
- Tourism & Cultural Programs Manager Pickar provided information about the Panthers on Parade Project.
- Mayor Green recognized Northern Iowa Student Government Liaison Noah Hackbart's return to City Council meetings.
- 54437 - Mayor Green announced that in accordance with the public notice of August 26, 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 certain city-owned real estate to Cedar Falls Partners, LLC. It was then moved by Dunn and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54438 - 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 proposed agreement and conveyance. 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.

- 54439 - It was moved by Dunn and seconded by Harding that Resolution #23,293, 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 Cedar Falls Partners, 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, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,293 duly passed and adopted.
- 54440 - It was moved by Dunn and seconded by Harding that Ordinance #3038, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to establishing temporary long-term daily permits for municipal parking lots or facilities, 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: Schultz, Kruse, Harding, Sires, Dunn. Nay: deBuhr. Motion carried. The Mayor then declared Ordinance #3038 duly passed and adopted.
- 54441 - It was moved by Dunn and seconded by Harding that Resolution #23,294, approving and adopting an amendment to the FY24 Fee Schedule relative to establishing temporary long-term daily parking permits for the municipal parking lots or facilities, 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, Kruse, Harding, Sires, Dunn. Nay: deBuhr. Motion Carried. The Mayor then declared Resolution #23,294 duly passed and adopted.
- 54442 - It was moved by Schultz and seconded by Harding that Ordinance #3040, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to establishing a 4-way stop at the intersection of Center Street & Lone Tree Road, be passed upon its third and final consideration. Following a comment by Jim Newcomb, Cedar Falls, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Harding, Sires, Dunn. Nay: deBuhr, Kruse. Motion carried. The Mayor then declared Ordinance #3040 duly passed and adopted.
- 54443 - It was moved by Schultz and seconded by deBuhr that Ordinance #3041, amending Chapter 26, Zoning, of the Code of Ordinances relative to parking requirements for institutional uses in the Downtown Character District (CD-DT), be passed upon its second consideration. Following questions and comments by Councilmembers Dunn, Schultz and Sires, and Tom Hagarty, Cedar Falls, 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.

Nay: Dunn. Motion carried.

54444 - It was moved by Schultz and seconded by Harding that Ordinance #3042, amending Chapter 2, Administration, of the Code of Ordinances relative to establishing a Bicycle and Pedestrian Commission, 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, Kruse, Harding, Sires, Dunn. Nay: deBuhr. Motion carried.

54445 - It was moved by Harding and seconded by Dunn that Ordinance #3043, amending Chapter 23, Traffic and Motor Vehicles, of the Code of Ordinances relative to prohibiting parking on certain portions of Dakota Street, be passed upon its second consideration. Following questions by Councilmembers Sires, Dunn and deBuhr, and responses by Dr. William Henninger, UNI, Mayor Green 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, Kruse, Harding, Sires, Dunn. Nay: deBuhr. Motion carried.

54446 - It was moved by Dunn and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Standing Committee minutes of August 21, 2023 relative to the following items:

- a) Cedar Falls Economic Development Corporation.
- b) Bicycle & Pedestrian Advisory Committee Transition to a Commission.
- c) Comprehensive Plan Review.

Receive and file Departmental Monthly Reports of July 2023.

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

Approve the following applications for retail alcohol licenses:

- a) The Brass Tap, 419 & 421 Main Street, Class C retail alcohol & outdoor service - renewal.
- b) Casey's General Store, 1225 Fountains Way, Class E retail alcohol - renewal.
- c) River Place Plaza, 200 East 2nd Street – Plaza, Special Class C retail alcohol & outdoor service – temporary expansion of outdoor service area. (September 21, 2023)
- d) Blue Room, 201 Main Street, Class C retail alcohol – temporary outdoor service. (September 23, 2023)
- e) The Black Hawk Hotel/Bar Winslow, 115-117 Main Street, Class C retail alcohol - temporary outdoor service. (September 23, 2023)
- f) The Brass Tap, 419 & 421 Main Street, Class C retail alcohol & outdoor service - temporary additional outdoor service. (September 23, 2023)
- g) Community Main Street (District Street Party), Main Street from 1st – 5th Streets and to alleys on East and West of Main on 2nd, 3rd and 4th Streets -

Special Class C retail alcohol & outdoor service - 5-day permit. (September 23 – 27, 2023)

Motion carried unanimously.

54447 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #23,295, approving and authorizing execution of an Amendment to Owner's Statement and Deed of Dedication of West Viking Road Industrial Park Phase V.

Resolution #23,296, approving and authorizing execution of an Amendment to Owner's Statement and Deed of Dedication of West Viking Road Industrial Park Phase VI.

Resolution #23,297, approving and authorizing execution of an Agreement to Enhance Economic Development in Cedar Falls by Supporting Grow Cedar Valley relative to an FY2024 Economic Development Grant.

Resolution #23,298, approving and authorizing execution of a Cultural Leadership Partners Program Operating Support Grant Agreement with the Iowa Economic Development Authority (IEDA) relative to Hearst Center cultural programs and operating expenses.

Resolution #23,299, approving and authorizing execution of a Memorandum of Agreement with the University of Northern Iowa (UNI) relative to fiberglass statues for the Panthers on Parade Project.

Resolution #23,300, approving and authorizing execution of an Agreement with Peters Construction Corporation for transporting, finishing and installing fiberglass statues relative to the Panthers on Parade Project.

Resolution #23,301, approving and authorizing execution of a HIPAA Business Associate Agreement with Wellworks For You relative to the City's employee wellness program.

Resolution #23,302, approving and authorizing execution of an Agreement with Cedar Falls Police Protective Association for Installation of Plaques Honoring Reserve Officer Scott Sterrett relative to memorial markers along South Prairie Lakes Trail.

Resolution #23,303, approving and authorizing execution of an Agreement with Breanna Parker relative to providing hula hoop fitness classes at the Recreation Center.

Resolution #23,304, approving and authorizing execution of an Agreement with Spahn & Rose Lumber Co. relative to construction of a new shelter in Orchard Hill Park.

Resolution #23,305, approving an amendment to The Arbors Master Plan, to

allow some lots designated for bi-attached dwellings to be changed to single family lots.

Resolution #23,306, approving the amended preliminary plat for The Arbors Fifth, Sixth, and Seventh Addition.

Resolution #23,307, approving the Certificate of Completion and accepting the work of Owen Contracting, Inc. for the 2022 Alley Reconstruction Project, and approving and authorizing the transfer of funds from the Storm Water Bond Fund to the Street Construction Fund.

Resolution #23,308, approving and authorizing execution of a License Agreement with Windstream Intellectual Property Services, LLC relative to installing a fiber optic telecommunications system within the public right-of-way along Main Street.

Resolution #23,309, setting September 18, 2023 as the date of public hearing to consider conveyance of certain city-owned real estate to KATZ Properties, 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, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #23,295 through #23,309 duly passed and adopted.

54448 - It was moved by deBuhr and seconded by Harding that Resolution #23,310, approving and authorizing the Transfer of Funds from the General Fund to the Health Insurance Fund and Capital Projects Fund relative to the fiscal year ending June 30, 2023, be adopted. Following a comment by Councilmember deBuhr, question by Gabe Groothuis, Cedar Falls, and responses by Finance & Business Operations Director Rodenbeck and City Administrator Gaines, 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. The Mayor then declared Resolution #23,310 duly passed and adopted.

54449 - It was moved by Harding and seconded by Schultz that Resolution #23,311, approving and authorizing execution of First Amendment to the Agreement for Rotary Plaza with The Rotary Club of Cedar Falls relative to additional lighting for the Rotary Plaza being constructed at 205-221 West 1st Street, be adopted. Following questions by Councilmembers Harding, deBuhr and Schultz, and responses by Rotary member Mike Butler, Community Development Director Sheetz, 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, Harding, Sires, Dunn. Nay: deBuhr, Kruse. Motion Carried. The Mayor then declared Resolution #23,311 duly passed and adopted.

54450 - It was moved by deBuhr and seconded by Schultz that the bills and claims of September 5, 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, Sires, Dunn. Nay: None. Motion carried.

- 54451 - Public Works Director Schrage responded to a question by Councilmember Sires regarding the site distance at 1st Street and Union Road.
- 54452 - It was moved by Harding and seconded by Dunn that the meeting be adjourned at 8:04 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk