

**CITY HALL
CEDAR FALLS, IOWA, JANUARY 18, 2022
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 7:12 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None.

Mayor Green apologized for a social media post made following the last City Council meeting.

53636 - It was moved by Harding and seconded by Ganfield that the minutes of the Regular Meeting of January 3, 2022 be approved as presented and ordered of record. Motion carried unanimously.

53637 - The Mayor then asked if there were any agenda revisions. City Clerk Danielsen noted that item #16 on the Resolution Calendar was being removed from the agenda.

53638 - Mayor Green read a Proclamation recognizing January 1 - December 31, 2022 as The Year of College Hill. College Hill Partnership Executive Director Kathryn Sogard and President Ryan Kriener accepted and commented.

53639 - Rosemary Beach, 5018 Sage Road, commented on the Seerley House on the UNI campus that is proposed for demolition. She stated that she has sent correspondence to the state and requested that the Historic Preservation Commission communicate with UNI about saving the building.

Dawn Wilson, 3620 Rownd Street, rescinded her name from the petition opposing the new Downtown zoning code.

Todd De Boer, 1305 Delta Drive, expressed concerns with pedestrian safety in roundabouts and asked if there will be signalized crossings on Main Street.

Community Main Street Executive Director Kim Bear spoke against the proposed moratorium being considered downtown.

James Burtis, 421 Main Street, commended City Council for protecting property rights.

Josh Wilson, 100 East 2nd Street, commented on voluntary shared parking, encouraged creative parking solutions and spoke against the proposed moratorium.

53640 - Mayor announced that in accordance with the public notice of January 5, 2022, this was the time and place for a public hearing on the proposed FY2022-FY2027 Capital Improvements Program (CIP). It was then moved by Harding and seconded by Ganfield that the proof of publication of notice of hearing be

received and placed on file. Motion carried unanimously.

- 53641 - The Mayor then asked if there were any written communications filed to the proposed program. 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 brief summary of the proposed CIP.

The following individuals spoke in support of reinstating funding for CIP item #54 – Comprehensive Plan and Zoning Code Update for College Hill.

Ryan Kriener, 4407 Donald Drive. Mr. Kriener submitted a copy of a petition signed by citizens in support of the funding.

Chris Martin, 421 West Seerley Boulevard

Bettina Fabos, 421 West Seerley Boulevard

Hannah Crisman, 624 West 20th Street

Dave Deibler, 1616 Campus Street

David Grant, 2010 Clay Street

Becky Hawbaker, 2309 Iowa Street

College Hill Partnership Executive Director Kathryn Sogard

Cedar Falls Economic Development Corporation representative Jim Brown

The following individual spoke in favor of withholding funding for item #54.

Eashaan Vajpeyi, 3831 Convair Lane.

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.

- 53642 - It was moved by Harding and seconded by Ganfield that Resolution #22,656, approving and adopting the FY2022-FY2027 Capital Improvements Program (CIP), be adopted. Following a comment by Councilmember Harding, it was moved by Harding and seconded by Dunn to amend the motion to amend the CIP to include item #54 and reinstate \$150,000 in funding for FY23. Following questions by Councilmembers Sires, deBuhr, Harding, Ganfield, Kruse and Dunn, and Mayor Green, and responses by Finance & Business Operations Director Rodenbeck, City Administrator Gaines, Community Development Director Sheetz and City Attorney Rogers, the motion carried 5-2, with deBuhr and Kruse voting Nay. Following comments by Councilmembers Kruse, deBuhr, Harding and Sires, and responses by Gaines and Rodenbeck, it was moved by Kruse and seconded by deBuhr to remove item #61 from the CIP. Motion carried 5-2, with Harding and Dunn voting Nay. Following a comment by Councilmember deBuhr noting that the CIP is a multi-year planning document, question by Councilmember Schultz, 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 #22,656 duly passed and adopted.

- 53643 - It was moved by Harding and seconded by Kruse that Resolution #22,657, declaring an official intent under Treasury Regulation 1.150-2 to issue debt to

- reimburse the City for certain original expenditures paid in connection with specified 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 #22,657 duly passed and adopted.
- 53644 - Mayor Green announced that in accordance with the public notice of January 13, 2022, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the Main Street Reconstruction Project, and to authorize acquisition of private property for said project. 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.
- 53645 - 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 brief summary of the proposed project. Following comments by Michael Martinez, 1124 Main Street, Ryan Kriener, 4407 Donald Drive, Todd De Boer, 1305 Delta Drive, Eashaan Vajpeyi, 3831 Convair Lane, and Daryl Slinker, 1907 Main Street, the Mayor declared the hearing closed and passed to the next order of business.
- 53646 - It was moved by deBuhr and seconded by Harding that Resolution #22,658, approving a public improvement project for the Main Street Reconstruction Project, and authorizing acquisition of private property for said project, be adopted. Following questions and comments by Councilmembers Kruse, Dunn, deBuhr, Harding, and Sires, and Mayor Green, and responses by City Engineer Wicke 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, Ganfield, Dunn. Nay: deBuhr, Sires. Motion Carried. The Mayor then declared Resolution #22,658 duly passed and adopted.
- 53647 - Mayor Green announced that in accordance with the public notice of January 7, 2022, this was the time and place for a public hearing on the proposed plans, specifications, form of contract, and estimate of cost for the West Viking Road Industrial Park Phase V 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.
- 53648 - The Mayor then asked if there were any written communications filed to the proposed plans, etc. Upon being advised that there were no written communications on file, the Mayor then called for oral comments. Civil Engineer Tolan provided a brief summary of the proposed project. There being no one else present wishing to speak about the proposed plans, etc., the Mayor declared the hearing closed and passed to the next order of business.
- 53649 - It was moved by deBuhr and seconded by Harding that Resolution #22,659, approving and adopting the plans, specifications, form of contract & estimate of

cost for the West Viking Road Industrial Park Phase V 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 #22,659 duly passed and adopted.

- 53650 - It was moved by Kruse and seconded by Harding that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Goal Setting Report of December 7 & 9, 2021.

Receive and file the Committee of the Whole minutes of January 3, 2022 relative to the following items:

- a) Capital Improvements Program (CIP) – Joint Meeting with Planning & Zoning Commission.
- b) 2023 Pavement Management.

Approve the following applications for beer permits and liquor licenses:

- a) AmericInn Lodge and Suites, 5818 Nordic Drive, Class B beer - renewal.
- b) Fraternal Order of Eagles, 2125 West Lone Tree Road, Class C liquor & outdoor service - renewal.
- c) Golf Lab, 201 Washington Street, Class B beer - new.

Motion carried unanimously.

- 53651 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #22,660, naming Official Depositories for the City of Cedar Falls.

Resolution #22,661, approving and authorizing execution of a Contract for Appraisal Services with Rally Appraisal LLC relative to the Northern Cedar Falls Flood Buyout Program.

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 #22,660 through #22,661 duly passed and adopted.

- 53652 - It was moved by Harding and seconded by Kruse that Resolution #22,662, approving and adopting the FY2023 City Council Goals, Work Program and Short-Term Financial Plan, be adopted. Following comments by Councilmembers Sires and Kruse, it was moved by Kruse and seconded by deBuhr to strike the words "form-based zoning" from item 3.C.5.a. in the Goal Setting document. Following comments by Councilmember Harding, Councilmember Kruse withdrew the motion. Following comments by Councilmember Ganfield, it was moved by Ganfield and seconded by Harding to amend item 2.C.2.b to read, "Continue to evaluate the City's Public Safety model, ensuring cost effective and efficient law enforcement, firefighting and rescue operations." Following

comments by Councilmembers Dunn, Harding and Schultz, the motion carried 4-3, with deBuhr, Sires and Dunn voting Nay. It was then moved by Sires and seconded by Ganfield to strike 2.C.2.b through 2.C.2.h. from the document. Following comments by Councilmembers Harding, Sire, Schultz, and Mayor Green, the motion failed 1-6, with Schultz, deBuhr, Kruse, Harding, Ganfield and Dunn voting Nay. The Mayor put the question on the original motion as amended, and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield, Dunn. Nay: deBuhr, Sires. Motion carried. The Mayor then declared Resolution #22,662 duly passed and adopted.

- 53653 - It was moved by Kruse and seconded by Harding that a resolution placing a temporary moratorium on the issuance of building permits for construction within the Urban General, Urban General 2 and Storefront designations in the Downtown Character District (CD-DT) zoning district until May 1, 2022, be adopted.

The following individuals spoke in opposition of the proposed moratorium:
Debra Lewis, 250 State Street #401
Jenny Leeper, 205 Main Street
Jim Brown, on behalf of Cedar Falls Economic Development Corporation
Dawn Wilson, 3620 Rownd Street
Brad Leeper, 205 Main Street
Mark Kittrell, 250 State Street
Cary Darrah, President & CEO of Grow Cedar Valley
Bob Manning, 2908 West 3rd Street

Following comments and questions by Councilmembers Kruse, Harding and deBuhr, and responses by City Attorney Rogers and Mayor Green, it was moved by Kruse to amend the motion for the moratorium to apply to new multi-use construction only. Motion failed for lack of a second. The Mayor then put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: None. Nay: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Motion failed.

- 53654 - It was moved by Harding and seconded by Ganfield that Resolution #22,663, approving and authorizing execution of a Service Agreement with Kirk Gross Company relative to moving furniture for the City Hall Remodel Project, be adopted. Following a question by Councilmember Sires and response by Community Development Director Sheetz, 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: Sires. Motion carried. The Mayor then declared Resolution #22,663 duly passed and adopted.

- 53655 - It was moved by deBuhr and seconded by Kruse that Resolution #22,664, approving and authorizing execution of an Agreement for Use of City Parks and Services with Sturgis Falls Celebration, Inc., be adopted. Following comments by Councilmembers deBuhr, Kruse and Schultz, and Sturgis Falls President Jay Stoddard, and responses by City Administrator Gaines 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, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #22,664 duly passed and adopted.

- 53656 - It was moved by Kruse and seconded by Harding that the bills and claims of January 18, 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.
- 53657 - It was moved by Kruse and seconded by deBuhr to refer to a Council Work Session discussion of the process of repealing the form based zoning for the downtown character district and returning to the previous zoning code. Following questions and comments by Councilmembers deBuhr, Harding, Schultz and Kruse, and Mayor Green, and responses by City Attorney Rogers and City Administrator Gaines, it was moved by Dunn and seconded by Harding to call the question. Motion carried unanimously. The motion to refer carried 5-2, with Harding and Dunn voting Nay.
- 53658 - City Attorney Rogers responded to a question by Councilmember Dunn regarding the requirement of an in-person quorum of Board & Commission members.

Finance & Business Operations Director Rodenbeck responded to a request by Councilmember Kruse that City Council meeting video be available online for meetings prior to January 2018.

- 53659 - It was moved by deBuhr and seconded by Harding to adjourn to Executive Session to discuss Property Acquisition per Iowa Code Section 21.5(1)(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. 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 10:22 P.M.

Mayor Green reconvened the Council meeting at 10:51P.M.

- 53660 - It was moved by Kruse and seconded by Dunn that the meeting be adjourned at 10:52 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk