

**CITY HALL  
CEDAR FALLS, IOWA, MAY 15, 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 7:30 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

54293 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of May 1, 2023 be approved as presented and ordered of record. Motion carried unanimously.

54294 - Mayor Green requested that item #11 on the Consent Calendar be moved up on the agenda.

It was then moved by Dunn and seconded by Harding to approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:

- a) Dr. Vicki Edelnant, Library Board of Trustees, term ending 06/30/2026.
- b) Alan Stalnaker, Planning & Zoning Commission, term ending 11/01/2026.
- c) Sloan Alberhasky, Planning & Zoning Commission, term ending 11/01/2027.

Following comments by Mayor Green, the motion carried unanimously.

54295 - Andrew Shroll, Bicycle and Pedestrian Advisory Committee Member, commented on Bike Month, the Safety Ride of Silence on May 17, 2023, and a poster contest for 1<sup>st</sup> - 6<sup>th</sup> grade students.

Center for Advanced Professional Studies (CAPS) students Kane Shimp, Cy Anderson, Carter Schlotman, and Daniel Asibey distributed compiled data and commented on results from the Cedar Falls Economic Development Corporation (CFEDC) Survey of UNI students.

54296 - Public Safety Director Berte commented on the Peace Officer Memorial event on Wednesday, May 17, 2023 at 10 AM at the Waterloo Veterans Memorial Hall. He also provided an update on the Fire Chief Selection process.

54297 - Mayor Green announced that in accordance with the public notice of May 3, 2023, this was the time and place for a public hearing on proposed amendments to the City's FY2023 Budget. It was then moved by Dunn and seconded by Schultz that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.

54298 - 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. Controller/City

Treasurer Roeding provided a summary of the proposed amendments. There being no one else present wishing to speak about the amendments, the Mayor declared the hearing closed and passed to the next order of business.

- 54299- It was moved by Kruse and seconded by Harding that Resolution #23,166, approving and adopting amendments to the City's FY2023 Budget, be adopted. Following comments and questions by Councilmembers Sires, deBuhr, Schultz, Kruse and Ganfield, and responses by Controller/City Treasurer Roeding 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: Sires. Motion carried. The Mayor then declared Resolution #23,166 duly passed and adopted.
- 54300 - Mayor Green announced that in accordance with the public notice of May 5, 2023, this was the time and place for a public hearing on the proposed vacation of certain public right-of-way along Hudson Road. 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.
- 54301 - The Mayor then asked if there were any written communications filed to the proposed vacation. 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 vacation. There being no one else present wishing to speak about the vacation, the Mayor declared the hearing closed and passed to the next order of business.
- 54302 - It was moved by Harding and seconded by Kruse that Ordinance #3030, vacating certain public right-of-way along Hudson Road, 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.
- 54303 - Mayor Green announced that in accordance with the public notice of May 5, 2023, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2023 Alley Reconstruction Project. It was then moved by Ganfield and seconded by Schultz that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54304 - 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 summary of the proposed 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.
- 54305 - It was moved by Ganfield and seconded by Kruse that Resolution #23,167,

approving and adopting the plans, specifications, form of contract & estimate of cost for the 2023 Alley Reconstruction Project, be adopted. Following comments and questions by Councilmembers Ganfield, Sires, Schultz and Kruse, and responses by City Engineer Wicke, 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 #23,167 duly passed and adopted.

- 54306 - Mayor Green announced that in accordance with the public notice of May 5, 2023, this was the time and place for a public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2023 Seal Coat Project. It was then moved by deBuhr and seconded by Kruse that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 54307 - 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 summary of the proposed 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.
- 54308 - It was moved by Kruse and seconded by Harding that Resolution #23,168, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2023 Seal Coat 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 #23,168 duly passed and adopted.
- 54309 - It was moved by Ganfield and seconded by Kruse 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 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, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3027 duly passed and adopted.
- 54310 - It was moved by Kruse and seconded by deBuhr 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 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, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3028 duly passed and adopted.

54311 - It was moved by Kruse and seconded by Ganfield 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 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, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Ordinance #3029 duly passed and adopted.

54312 - It was moved by Harding 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 May 1, 2023 relative to the following item:

a) Housing Needs Assessment Report.

Receive and file a communication from the Mayor relative to the appointment of Noah Hackbart as Student Liaison, term ending 04/30/24.

Receive and file communications from the Civil Service Commission relative to the following certified lists:

a) Assistant Public Safety Director/Fire Chief.

b) Engineering Technician I.

Receive and file the Bi-Annual Report of Community Main Street relative to FY23 Self-Supported Municipal Improvement District (SSMID) funds and an FY23 Economic Development Grant.

Approve the following applications for cigarette/tobacco/nicotine/vapor permits:

a) Casey's #1887, 2425 Center Street.

b) Casey's #2630, 5226 University Avenue.

c) Casey's #2865, 5908 Nordic Drive.

d) Casey's #3045, 601 Main Street.

e) Casey's #3610, 1225 Fountains Way.

f) Fareway Stores, Inc. #190, 4500 South Main Street.

g) Fareway Stores, Inc. #974, 214 North Magnolia Drive.

h) Fleet Farm Fuel, 108 West Ridgeway Avenue.

i) Greenleaf Tobacco & Vapor, 5901 University Avenue.

j) Happy's Wine & Spirits, 5925 University Avenue.

k) Kwik Spirits #561, 4116 University Avenue, Suite 104-105.

l) Kwik Star #490, 7500 Nordic Drive.

m) Kwik Star #726, 2019 College Street.

n) Kwik Star #934, 4515 Coneflower Parkway.

o) Metro Mart #3, 103 Franklin Street.

p) Murphy USA #6970, 518 Brandilynn Boulevard.

q) Panther Travel Center, 1525 West Ridgeway Avenue.

r) Walmart #753, 525 Brandilynn Boulevard.

Approve the following applications for retail alcohol licenses:

- a) Amvets, 1934 Irving Street, Class F retail alcohol & outdoor service - renewal.
- b) Double Tap, 312 Main Street, Class C retail alcohol- renewal.
- c) Famous Dave's, 6222 University Avenue, Class C retail alcohol -renewal.
- d) Casey's General Store, 2425 Center Street, Class E retail alcohol - renewal.
- e) Casey's General Store, 5908 Nordic Drive, Class E retail alcohol - renewal.
- f) Hy-Vee Food Store, 6301 University Avenue, Class E retail alcohol - renewal.
- g) Mini-mart, 1420 West 1st Street, Class E retail alcohol – renewal.
- h) Famous Dave's, 6222 University Avenue, Class C retail alcohol – change in ownership.
- i) Casey's General Store, 5908 Nordic Drive, Class E retail alcohol – change in ownership.
- j) Sturgis Falls Celebration, Gateway Park, Special Class C retail alcohol & outdoor service - 5-day permit.

Motion carried unanimously.

- 54313 - It was moved by Kruse and seconded by Dunn to approve a proclamation recognizing May 2023 as Neurofibromatosis Awareness Month and May 17, 2023 as World Neurofibromatosis Awareness Day. Following comments by TJ Warren, 4106 Sturgis Drive, and mention of events being held on June 3<sup>rd</sup> and September 23<sup>rd</sup>, the motion carried unanimously.
- 54314 - It was moved by Kruse and seconded by Schultz that the following resolutions be introduced and adopted:

Resolution #23,169, approving and adopting new/revised job classifications for the following positions:

- a) Community Services Specialist
- b) Community Services Supervisor
- c) Traffic Technician
- d) Civil CAD/GIS Technician
- e) Content Coordinator

Resolution #23,170, approving and authorizing execution of a Benefits Consultant Agreement with PDCM Insurance relative to the City's benefit plans.

Resolution #23,171, approving and authorizing execution of an Agreement with Push Pedal Pull, Inc. relative to replacement of weightroom equipment at the Recreation Center.

Resolution#23,172, approving and authorizing execution of a Collaborative Program Agreement with the Black Hawk Tennis Club relative to providing Youth Tennis Lessons, in conjunction with the summer recreational programs.

Resolution #23,173, approving and authorizing execution of a Collaborative Program Agreement with the Cedar Falls Tiger Rugby Club relative to providing Youth Non-Contact Rugby, in conjunction with the summer recreational programs.

Resolution #23,174, approving a HWY-1, Highway Commercial Zoning District site plan for construction of a restaurant to be located at the SE corner of Brandilynn Boulevard and Winterberry Drive.

Resolution #23,175, approving an MU, Mixed-Use Residential Zoning District site plan for updated landscaping and signage at 4520 Rownd Street.

Resolution #23,176, approving and authorizing Amendment #4 to the Entitlement Community Development Block Grant COVID-19 Program Contract with the Iowa Economic Development Authority relative to Community Block Grant (CDBG-CV2) funding relative to the CARES Act.

Resolution #23,177, approving and accepting a Warranty Deed, in conjunction with the expansion of the West Viking Road Industrial Park.

Resolution #23,178, approving and authorizing execution of two Leases relative to property vacated by flood buyout programs.

Resolution #23,179, approving and accepting the contract and bond of Dave Schmitt Construction Co. Inc. for the Ashworth Drive Extension Project.

Resolution #23,180, receiving and filing the bids, and approving and accepting the bid of Dave Schmitt Construction, in the amount of \$2,633,563.41, being the lowest bid received for the North Cedar Heights Area Reconstruction Project – Phase 1A.

Resolution #23,181, approving and authorizing execution of a Professional Service Agreement with JCG Land Services, Inc. for land acquisition services relative to Engineering Division projects.

Resolution #23,182, receiving and filing, and setting June 5, 2023 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2023 Sidewalk Assessment Project – Zone 1.

Resolution #23,183, setting June 5, 2023 as the date of public hearing to consider entering into an Agreement for Private Development, and to consider conveyance of certain city-owned real estate to Technology Pkwy 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, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #23,169 through #23,183 duly passed and adopted.

54315 - It was moved by Dunn and seconded by Harding that Resolution #23,184, approving and adopting the Housing Needs Assessment Report, be adopted. Cedar Falls Economic Development Corp. (CFEDC) Executive Director Jim Brown commented and read letters of support from members of the community. The following individuals spoke in support of the report: Mark Kittrell, 1605 West 12th Street, Dave Kivett, 1115 Oak Park Boulevard, and Bob Manning, 2908

- West 3rd Street. Following comments and questions by Councilmembers deBuhr, Dunn, Sires, Schultz, Harding, Kruse and Ganfield, and Mayor Green, and responses by INRCOG Executive Director Brian Schoon, it was moved by Ganfield and seconded by Kruse to refer further discussion to a Work Session. Following questions and comments by Councilmembers Ganfield, Harding, Schultz and Kruse, Mayor Green, Bob Manning, and Grow Cedar Valley President & CEO Cary Darrah, and responses by City Attorney Rogers and Schoon, it was moved by Schultz and seconded by Dunn to call the question. Motion to call the question failed 4-3 (5 aye votes required), with Kruse, Ganfield and Sires voting Nay. Following additional comments by Councilmembers Kruse, Schultz and Harding, the motion to refer discussion to a Work Session failed 3-4, with Schultz, Harding, Ganfield and Dunn voting Nay. The Mayor then put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Harding, Ganfield, Dunn. Nay: Kruse, deBuhr, Sires. Motion Carried. The Mayor then declared Resolution #23,184 duly passed and adopted.
- 54316 - It was moved by Ganfield and seconded by Dunn that Resolution #23,185, supporting a Workforce Housing Tax Credit Program application to be submitted to the Iowa Economic Development Authority by BJW Holdings, LLC for Workforce Housing Tax Credits for the proposed Cottage Courts project at 215 West 9th Street, be adopted. Following questions by Councilmembers deBuhr, Sires and Harding, and responses by Developer Brian Wingert, 2110 Flynn Drive, and Planning & Community Services Manager Howard, comments by CFEDC Executive Director Jim Brown and closing supportive comments by Mayor Green, 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 #23,185 duly passed and adopted.
- 54317 - It was moved by Ganfield and seconded by Harding that Resolution #23,186, of support for a Workforce Housing Tax Credit application to be submitted to the Iowa Economic Development Authority by CV Commercial, LLC for Workforce Housing Tax Credits for the proposed College Hill Mixed Use project at 2119 College Street, be adopted. Following a question by Councilmember deBuhr 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, Kruse, Harding, Ganfield, Dunn. Nay: deBuhr, Sires. Motion Carried. The Mayor then declared Resolution #23,186 duly passed and adopted.
- 54318 - It was moved by Kruse and seconded by Dunn that the bills and claims of May 15, 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.
- 54319 - Community Development Director Sheetz responded to a question by

Councilmember Kruse regarding a previous referral on vinyl siding downtown.

City Attorney Rogers responded to a question by Councilmember Kruse regarding a previous referral on the 20-year limit on boards & commissions.

Community Development Director Sheetz responded to a question by Councilmember Kruse regarding a previous referral on plantings in the right-of-way.

Public Safety Director Berte responded to a question by Councilmembers Sires regarding crime.

Public Works Director Schrage responded to a question by Councilmember Kruse regarding a traffic light at the intersection of 1st Street and Union Road.

54320 - It was moved by Kruse and seconded by Dunn that the meeting be adjourned at 9:36 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk