

**CITY HALL
CEDAR FALLS, IOWA, FEBRUARY 21, 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 8:07 P.M. on the above date. Members present: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Absent: None.

- 53673 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of February 7, 2022 be approved as presented and ordered of record. Motion carried unanimously.
- 53674 - The Mayor noted that item #15 on the Resolution Calendar was being removed from the agenda and would be considered at the March 7, 2022 meeting, and City Clerk Danielsen noted that Executive Session was being removed from the agenda.
- 53675 - Mayor Green read a Proclamation recognizing March 2, 2022 as Read Across America Day. Cedar Falls Library Director Kelly Stern accepted and commented about a new program, *Dolly Parton's Imagination Library Project*.
- 53676 - Rosemary Beach, 5018 Sage Road, spoke about the preservation of the Honors Cottage and noted the Homer Seerley House was recognized officially as the first 2022 Most Endangered Property. She requested that UNI place the houses on the National Registry.
- Mary LeGore, 2602 Cedar Heights Drive, requested consideration of the impact on citizens on fixed incomes regarding raising property taxes.
- 53677 - Mayor Green announced that in accordance with the public notice of February 8, 2022, this was the time and place for a public hearing on the proposed maximum levy for affected property tax levies for FY2023. It was then moved by deBuhr and seconded by Schultz that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
- 53678 - The Mayor then asked if there were any written communications filed to the proposed maximum levy. 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 levy. There being no one else present wishing to speak about the proposed levy, the Mayor declared the hearing closed and passed to the next order of business.
- 53679 - It was moved by Harding and seconded by Sires that Resolution #22,681, approving and adopting the maximum levy for affected property tax levies for FY2023, be adopted. Following questions and comments by Councilmembers Sires, Ganfield, deBuhr, Harding, Kruse and Schultz, and Mayor Green, and

responses by Finance & Business Operations Director Rodenbeck and City Attorney Rogers, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Dunn, Schultz. Nay: Ganfield, Sires. Motion Carried. The Mayor then declared Resolution #22,681 duly passed and adopted.

- 53680 - Mayor Green announced that in accordance with the public notice of February 11, 2022, this was the time and place for a public hearing on the proposal to enter into a February 2022 Amendment to Development Agreement with Cedar Falls Municipal Utilities relative to the Unified Highway 58 Corridor Urban Renewal Area. 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.
- 53681 - The Mayor then asked if there were any written communications filed to the proposed amendment. 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 amendment. There being no one else present wishing to speak about the proposed amendment, the Mayor declared the hearing closed and passed to the next order of business.
- 53682 - It was moved by Kruse and seconded by Harding that Resolution #22,682, approving and authorizing execution of a February 2022 Amendment to Development Agreement with Cedar Falls Municipal Utilities relative to the Unified Highway 58 Corridor Urban Renewal Area, be adopted. Following a question by Councilmember Schultz, 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. Motion Carried. The Mayor then declared Resolution #22,682 duly passed and adopted.
- 53683 - Mayor Green announced that in accordance with the public notice of February 11, 2022, this was the time and place for a public hearing on a proposal to enter into an Agreement for Private Development, and to consider conveyance of certain city-owned real estate to Wayne Estates, L.L.C. 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.
- 53684 - The Mayor then asked if there were any written communications filed to the proposed agreement. 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 agreement. There being no one else present wishing to speak about the proposed agreement, the Mayor declared the hearing closed and passed to the next order of business.
- 53685 - It was moved by deBuhr and seconded by Kruse that Resolution #22,683, approving and authorizing execution of an Agreement for Private Development,

- and approving and authorizing execution of a Quit Claim Deed conveying certain city-owned real estate to Wayne Estates, L.L.C, 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. Motion Carried. The Mayor then declared Resolution #22,683 duly passed and adopted.
- 53686 - Mayor Green announced that in accordance with the public notice of February 11, 2022, this was the time and place for a public hearing on a proposal to enter into an Agreement for Private Development, and to consider conveyance of certain city-owned real estate to McWing, L.L.C. 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.
- 53687 - The Mayor then asked if there were any written communications filed to the proposed agreement. 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 agreement and requested that the public hearing be continued. It was then moved by deBuhr and seconded by Harding to continue the hearing to the March 7, 2022 City Council meeting. Motion carried unanimously.
- 53688 - Mayor Green announced that in accordance with the public notice of February 11, 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 2022 Street Construction 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.
- 53689 - 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 Claypool 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.
- 53690 - It was moved by Ganfield and seconded by Harding that Resolution #22,684, approving and adopting the plans, specifications, form of contract & estimate of cost for the 2022 Street Construction Project, be adopted. Following a question by Councilmember Kruse, it was moved by Kruse and seconded by Sires to amend the motion to remove the portion of the overlay on Hudson Road from 1st -12th Street. Following a comment by Public Works Director Schrage, questions and comments by Councilmembers Kruse, Harding, deBuhr, Schultz and Sires, and responses by Schrage and Civil Engineer Claypool, the motion failed 1-6, with deBuhr, Harding, Ganfield, Sires, Dunn and Schultz voting Nay. The Mayor put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. Motion Carried. The Mayor then declared Resolution #22,684 duly passed and adopted.

53691 - Mayor Green announced that in accordance with the public notice of February 11, 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 Oak Park Boulevard Sanitary Sewer Repair 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.

53692 - 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.

53693 - It was moved by Ganfield and seconded by Kruse that Resolution #22,685, approving and adopting the plans, specifications, form of contract & estimate of cost for the Oak Park Boulevard Sanitary Sewer Repair 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. Motion Carried. The Mayor then declared Resolution #22,685 duly passed and adopted.

53694 - It was moved by Dunn and seconded by Ganfield that the rules requiring Ordinance #3005 be considered at three separate meetings, be suspended. 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, Schultz. Nay: None. Motion carried.

It was then moved by Ganfield and seconded by Harding that Ordinance #3005, amending Chapter 12, Human Relations, of the Code of Ordinances relative to the Human Rights Commission, be passed upon its third & 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. The Mayor then declared Ordinance #3005 duly passed and adopted.

53695 - It was moved by Harding and seconded by Ganfield that the following items on the Consent Calendar be received, filed and approved:

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

- a) Ruby Hibben, Board of Adjustment, term expiring 03/31/2026.
- b) Michael Mahncke, Historic Preservation Commission, term expiring 03/31/2025.

Receive and file the Work Session minutes of February 7, 2022 relative to the following item:

a) Downtown Zoning Changes.

Receive and file the Committee of the Whole minutes of February 7, 2022 relative to the following items:

- a) Board of Adjustment Interview-Ruby Hibben.
- b) FY23 Budget Presentation.

Receive and file a communication from the Civil Service Commission relative to the certified list for the position of Public Safety Officer.

Approve the following applications for beer permits and liquor licenses:

- a) Panther Lounge, 210 East 18th Street, Class C liquor - renewal.
- b) River Place Plaza, 200 East 2nd Street – Plaza, Special Class C liquor & outdoor service – 8-month permit with exceptions.

Motion carried unanimously.

53696 - It was moved by Ganfield and seconded by Schultz that the following resolutions be introduced and adopted:

Resolution #22,686, levying a final assessment for costs incurred by the City to mow property located at 2303 Washington Street.

Resolution #22,687, approving and authorizing execution of a Licensed Training Provider Agreement with the American Red Cross relative to providing licensed training, materials and certifications to City staff.

Resolution #22,688, approving and authorizing execution of an Agreement for Professional Services with Family Management Financial Solutions, Inc. relative to Community Block Grant (CDBG) funding for service agencies.

Resolution #22,689, receiving and filing the bids, and approving and accepting the low bid of Petersen Contractors, Inc., in the amount of \$8,147,645.50, for the West Viking Road Industrial Park Phase V Project.

Resolution #22,690, approving and authorizing execution of a Professional Service Agreement with Foth Infrastructure & Environment, LLC relative to the 2022 Bridge Inspection Project.

Resolution #22,691, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the Mandalay Drive Slope Repair Project.

Resolution #22,692, approving the Certificate of Completion and accepting the work of Cobalt Contracting, L.C. for the 2021 Sidewalk Assessment Project - Zone 4.

Resolution #22,693, approving the Final Statement of Expenditures for the 2021 Sidewalk Assessment Project - Zone 4.

Resolution #22,694, receiving and filing, and approving the plans, specifications and estimate of cost for the Lake Street Trail Project.

Resolution #22,695, receiving and filing, and setting March 7, 2022 as the date of public hearing on the proposed plans, specifications, form of contract & estimate of cost for the 2022 CDBG Sanitary Sewer Rehabilitation Project.

Resolution #22,696, setting March 7, 2022 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 KL Iowa 01, L.L.C.

Resolution #22,697, setting March 7, 2022 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to increasing parking ratios for residential mixed-use and multi-unit buildings in the Downtown Character District to one parking space per bedroom.

Resolution #22,698, setting March 7, 2022 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to increasing parking ratios for residential mixed-use and multi-unit buildings in the Downtown Character District to .75 parking space per bedroom, as recommended by the Planning & Zoning Commission.

Resolution #22,699, setting March 7, 2022 as the date of public hearing on the proposed FY23 Budget for the City of Cedar Falls

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, Schultz. Nay: None. Motion carried. The Mayor then declared Resolutions #22,686 through #22,699 duly passed and adopted.

- 53697 - It was moved by deBuhr and seconded by Harding that Resolution #22,700, approving and authorizing the expenditure of funds for the purchase of dump truck/snow plow components for the Public Works Department, be adopted. Following questions by Councilmember Ganfield and responses by Public Works Director Schrage and Fleet Maintenance Supervisor Rawdon, 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, Schultz. Nay: None. Motion carried. The Mayor then declared Resolution #22,700 duly passed and adopted.
- 53698 - It was moved by Harding and seconded by Dunn that Resolution #22,701, setting March 7, 2022 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to removal of the shared parking requirement in the Downtown Character District, be adopted. Following a comment by Councilmember Kruse, it was moved by Kruse and seconded by Sires to postpone the public hearing to the March 21, 2022 City Council meeting. Following questions and comments by Councilmembers deBuhr and Ganfield, and responses by City Attorney Rogers, the motion failed 3-4, with Harding, Ganfield, Sires 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: Harding, Ganfield, Sires, Dunn. Nay: deBuhr, Kruse, Schultz. Motion carried. The Mayor then declared Resolution #22,701 duly passed and adopted.

- 53699 - It was moved by Kruse and seconded by Harding that the bills and claims of February 21, 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: deBuhr, Kruse, Harding, Ganfield, Sires, Dunn, Schultz. Nay: None. Motion carried.
- 53700 - It was moved by Kruse and seconded by deBuhr to refer to the Committee of the Whole a discussion on the criteria of shared parking. Following comments by Councilmember Kruse and Mayor Green, and response by City Attorney Rogers, Mayor Green ruled the motion out of order.
- It was then moved by Kruse and seconded by deBuhr to refer to the Planning and Zoning Commission a discussion on the criteria of shared parking to restrict shared parking to on-site only. Following comments by Community Development Director Sheetz and Councilmember Dunn, the motion carried 5-2, with Harding and Dunn voting Nay.
- It was then moved by Kruse and seconded by Shultz to refer to the Committee of the Whole considerations or modifications to improve safety from 6th and Main to 6th and State Streets. Following comments and questions by Councilmembers Kruse, Schultz and Dunn, and Mayor Green, and responses by Public Works Director Schrage, the motion carried unanimously.
- 53701 - Councilmember Ganfield endorsed the book, "Nate's Triumph" by Nate Trainor about inclusivity. He also encouraged use of the Cedar Falls Public Library.
- 53702 - It was moved by Kruse and seconded by Ganfield that the meeting be adjourned at 9:44 P.M. Motion carried unanimously.

Jacqueline Danielsen, MMC, City Clerk