

**CITY HALL  
CEDAR FALLS, IOWA, NOVEMBER 6, 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, Harding, Ganfield, Sires, Dunn. Absent: None. Mayor Green led the Pledge of Allegiance.

- 54516 - Mayor Green and Finance & Business Operations Director Rodenbeck responded to a request by Beth Koch, Cedar Falls, that City Meetings be Closed Captioned. Mayor Green and Councilmember Kruse responded to Ms. Koch's concerns on the safety of the trails and the use of e-bikes.

Dan Trelka, Black Hawk County Board of Supervisors, requested a joint venture between Waterloo, Cedar Falls and the Board of Supervisors for a property evidence and processing building. Councilmember Sires and Public Safety Director Berte commented.

Pastor Larry Stumme, St. Paul Lutheran Church, commented on the quality of life for black citizens in our community and encouraged cities to work together to find solutions to these problems.

Reverend Michael Blackwell, Cedar Falls, has been heartened by responses from the Mayor and Council but still has concerns with racial disparity. Mayor Green commented.

Councilmember deBuhr recognized the Scouts from Troop #500 and thanked them for being in attendance.

- 54517 - Mayor noted he inadvertently skipped an item on the agenda.

It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of October 16, 2023 be approved as presented and ordered of record. Motion carried unanimously.

- 54518 - Community Development Director Sheetz provided an update on banners placed around town welcoming the Iowa State Football playoffs and announced a presentation naming the drive along the UNI-Dome Playoff Parkway during the playoffs.

Mayor Green noted that November 7, 2023 is voting day for local elections from 7 AM to 8 PM.

- 54519 - Mayor Green announced that in accordance with the public notice of October 21, 2023, this was the time and place for a public hearing to consider entering into an Amended and Restated Agreement for Private Development with McDonald

Construction & Remodeling, LLC. 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.

- 54520 - 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 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.
- 54521 - It was moved by Kruse and seconded by Harding that Resolution #23,369, approving and authorizing execution of an Amended and Restated Agreement for Private Development and an Amended Minimum Assessment Agreement with McDonald Construction & Remodeling, 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, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,369 duly passed and adopted.
- 54522 - Mayor Green announced that in accordance with the public notice of October 19, 2023, this was the time and place for a public hearing on the City's FFY22 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Programs. 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.
- 54523 - The Mayor then asked if there were any written communications filed to the proposed report. 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 report. There being no one else present wishing to speak about the proposed report, the Mayor declared the hearing closed and passed to the next order of business.
- 54524 - It was moved by Ganfield and seconded by Kruse that Resolution #23,370, approving and authorizing submission of the City's FFY22 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Programs, 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 #23,370 duly passed and adopted.
- 54525 - Mayor Green announced that in accordance with the public notice of October 21, 2023, this was the time and place for a public hearing on a proposal to undertake a public improvement project for the Viking Road and Prairie Parkway Intersection Improvements 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.

54526 - 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. Civil Engineer Claypool provided a summary of the proposed project. There being no one else present wishing to speak about the proposed project, the Mayor declared the hearing closed and passed to the next order of business.

54527 - It was moved by Ganfield and seconded by Kruse that Resolution #23,371, approving a public improvement project for the Viking Road and Prairie Parkway Intersection Improvements Project, and authorizing acquisition of private property for said project, be adopted. Following questions and comments by Councilmembers Sires, deBuhr and Schultz, and responses by Civil Engineer Claypool, 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 #23,371 duly passed and adopted.

54528- It was moved by Kruse and seconded by Harding that Ordinance #3044, granting a partial property tax exemption to KL Iowa 01, LLC for construction of a warehouse and manufacturing facility at 6313 Production Drive, 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 #3044 duly passed and adopted.

54529- It was moved by deBuhr and seconded by Ganfield that Ordinance #3045, amending Chapter 26, Zoning, by removing Section 26-196E. Special Parking Standards, relative to allowing adjacent on-street parking to count towards shared parking requirements in the Downtown Character District (CD-DT), 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, deBuhr, Kruse, Harding, Ganfield, Sires. Nay: Dunn. Motion carried.

54530 - It was moved by Harding and seconded by Dunn that the following items on the Consent Calendar be received, filed, and approved:

Receive and file Departmental Monthly Reports of September 2023.

Receive and file the FY2023 Annual Comprehensive Financial Report.

Receive and file the FY2023 Annual City Street Finance Report.

Receive and file the Bi-Annual Report of Community Main Street relative to FY24 Self-Supported Municipal Improvement District (SSMID) funds and an FY24 Economic Development Grant.

Approve the application of J & M Displays, Inc. (Holiday Hoopla) for a fireworks display permit for November 24, 2023.

Approve the following applications for retail alcohol licenses:

- a) Hansen's Dairy, 123 East 18th Street, Class B retail alcohol - renewal.
- b) The Brown Bottle, 1111 Center Street, Class C retail alcohol & outdoor service - renewal.
- c) Tony's La Pizzeria, 407 Main Street, Class C retail alcohol & outdoor service - renewal.
- d) Five Corners Liquor & Wine, 809 East 18th Street, Class E retail alcohol - renewal.
- e) Cedar Falls Community Theatre, 103 Main Street, Special Class C retail alcohol - new.
- f) Grid Lounge, 100 East 2nd Street, Special Class C retail alcohol - new.

Motion carried unanimously.

- 54531 - It was moved by deBuhr and seconded by Harding to receive and file the Mayor's veto of Resolution #23,366, being a resolution rescinding Resolution #22,360 approving and adopting the Imagine College Hill! Vision Plan.

Following comments by Councilmembers deBuhr and Harding, and Mayor Green, the motion failed 3-4, with deBuhr, Kruse, Ganfield, and Sires voting Nay.

- 54532 - It was moved by Dunn and seconded by Harding to receive and file communications from the Civil Service Commission relative to the following certified lists:
- a) Information Systems Technician II.
  - b) Water Reclamation Supervisor.

Following a question by Councilmember Ganfield, and response by Finance & Business Operations Director Rodenbeck, the motion carried unanimously.

- 54533 - It was moved by deBuhr and seconded by Ganfield that the following resolutions be introduced and adopted:

Resolution #23,372, approving and adopting amendments to the City's Emergency Operations Plan.

Resolution #23,373, approving and authorizing submission of the City's FY2023 Annual Urban Renewal Report.

Resolution #23,374, authorizing certification of eligible expenses for reimbursement from the College Hill, Downtown, Pinnacle Prairie, South Cedar Falls, and Unified Tax Increment Financing Revenues.

Resolution #23,375, approving and authorizing an inter-fund loan from the Tax Increment Financing (TIF) Bond Fund to the Tax Increment Financing (TIF) Fund relative to funding for the parking lot overlay project costs in the College Hill Urban Renewal Area.

Resolution #23,376, approving and authorizing an inter-fund loan from the Stormwater Fund to the Tax Increment Financing (TIF) Fund relative to funding for the Olive Street Box Culvert project costs in the College Hill Urban Renewal Area.

Resolution #23,377, approving and authorizing an inter-fund loan from the Tax Increment Financing (TIF) Bond Fund to the Tax Increment Financing (TIF) Fund relative to funding for the Prairie Parkway & Viking Road intersection improvements and Pinnacle Prairie round-a-bout intersection improvements in the Pinnacle Prairie Urban Renewal Area.

Resolution #23,378, approving and authorizing an inter-fund loan from the Tax Increment Financing (TIF) Bond Fund to the Tax Increment Financing (TIF) Fund relative to funding for the Cyber Lane and Hudson & Ridgeway Avenue intersection improvements in the South Cedar Falls Urban Renewal Area.

Resolution #23,379, approving and authorizing an inter-fund loan from the Economic Development Fund to the Tax Increment Financing (TIF) Fund relative to funding for the purchase of land and related expenses in the South Cedar Falls Urban Renewal Area.

Resolution #23,380, approving and authorizing an inter-fund loan from the Street Repair Fund to the Tax Increment Financing (TIF) Fund relative to funding for the Main Street Reconstruction Project-6th & 7th Street portions in the Downtown Urban Renewal Area.

Resolution #23,381, approving and authorizing an inter-fund loan from the Tax Increment Financing (TIF) Bond Fund to the Tax Increment Financing (TIF) Fund relative to funding for the West Viking Road, Industrial Park Expansion, and other administrative and legal fees in the Unified Urban Renewal Area.

Resolution #23,382, levying a final assessment for costs incurred by the City to remove a tree from the property located at 821 Walnut Street.

Resolution #23,383, approving and authorizing the expenditure of funds for renewal of a Microsoft Enterprise License relative to operating systems on the City's computer network servers.

Resolution #23,384, approving and authorizing the expenditure of funds for a video playback server for Cable Television.

Resolution #23,385, approving and accepting Bulletproof Vest Partnership (BVP) grant funding from the U.S. Department of Justice relative to replacement of police ballistic vests.

Resolution #23,386, approving and authorizing a Service Agreement with

TargetSolutions Learning, LLC, d/b/a Vector Solutions relative to training management software for Public Safety Services.

Resolution #23,387, approving and authorizing the expenditure of funds for the purchase of two plow trucks for Public Works.

Resolution #23,388, approving and authorizing execution of Supplemental Agreement No. 3 to the Professional Services Agreement with AECOM Technical Services, Inc. for surveying services relative to the Storm Water Study.

Resolution #23,389, approving and authorizing execution of a Contract with Rally Appraisal, LLC for appraisal services relative to the Northern Cedar Falls Flood Buyout Program.

Resolution #23,390, approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for construction of a new garage at 423 West 26th Street.

Resolution #23,391, approving a College Hill Neighborhood (CHN) Overlay Zoning District site plan for construction of a new porch and siding at 2121 Walnut Street.

Resolution #23,392, approving a HWY-1, Highway Commercial Zoning District site plan for construction of a retail center at 703 Brandilynn Boulevard.

Resolution #23,393, approving and authorizing execution of a Rental Rehabilitation Contract with Daniels Home Improvement relative to a Community Development Block Grant (CDBG) Rental Rehabilitation Project at 915 West 4th Street; and approving and accepting a Real Estate Mortgage in conjunction with the project.

Resolution #23,394, approving and adopting 2023 payment standards for the Housing Choice Voucher Program relative to the Section-8 Housing Program.

Resolution #23,395, approving and authorizing execution of a Subrecipient Agreement for the Use of Federal HOME Investment Partnerships Funds with Iowa Heartland Habitat for Humanity relative to a project located at 2925 Sands Avenue; and approving and authorizing execution of a HOME Program Homebuyer Agreement in conjunction with the project.

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, Ganfield, Dunn. Nay: None. Motion carried. The Mayor then declared Resolutions #23,372 through #23,395 duly passed and adopted.

54534 - It was moved by Harding and seconded by Kruse that Resolution #23,396, approving and authorizing execution of a Master Services and Purchasing Agreement for Agency with Axon Enterprises, Inc. relative to replacement of police body cameras and in-car cameras, be adopted. Following comments and questions by Councilmembers Ganfield and deBuhr, Mayor Green, and Dan

Trelka, Waterloo, and responses by Public Safety Director Berte 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: Schultz, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,396 duly passed and adopted.

- 54535 - It was moved by Kruse and seconded by Ganfield that Resolution #23,397, of support for Community Main Street, and approving and authorizing execution of a Main Street Iowa Program Continuation Agreement with Community Main Street (CMS) and the Iowa Economic Development Authority (IEDA) for the purpose of continuing the Main Street Iowa Program in Cedar Falls, be adopted. Following questions by Councilmembers Ganfield and deBuhr, and responses by 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, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,397 duly passed and adopted.
- 54536 - It was moved by Ganfield and seconded by Kruse that Resolution #23,398, approving and authorizing execution of an Offer to Buy Real Estate and Acceptance for property located at 523 West 1st Street, be adopted. Following comments by Community Development Director Sheetz, it was moved by Harding and seconded by Kruse to amend the motion to increase the purchase price from \$95,00 to \$97,000. Following questions by Councilmembers Ganfield and Kruse, and Mayor Green, and responses by Sheetz and City Attorney Rogers, the motion to amend carried unanimously. The Mayor then 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, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,398 duly passed and adopted.
- 54537 - It was moved by Kruse and seconded by Ganfield that the bills and claims of November 6, 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.
- 54538 - Mayor Green announced that polls are open on Tuesday, November 7, 2023 from 7 AM to 8 PM for City and School Board elections.
- 54539 - It was moved by Kruse and seconded by Harding to refer to the Community Development Committee for staff to research and report on allowable regulation of business concentration in Cedar Falls as well as private restrictive covenants directed at businesses Following comments by Mayor Green and Rogers, the motion carried unanimously.

It was moved by Sires and seconded by Harding to refer to a City Council Meeting an amended resolution to include the UNI Student Liaison's participation

at Committee Meetings. Following comments by Mayor Green, Councilmembers Sires, Kruse and Harding, current UNI Student Liaison Noah Hackbart, and City Attorney Rogers, the motion carried unanimously.

It was moved by Kruse and seconded by deBuhr to refer to the November 20, 2023 City Council Meeting discussion on overriding the veto on the College Hill Vision Plan. The motion carried 5-2, with Harding and Dunn voting Nay.

- 54540 - It was moved by Kruse and seconded by Harding to adjourn to Executive Session to discuss Legal Matters per Iowa Code Section 21.5(1)(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation. 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 8:09 P.M.

Mayor Green reconvened the Council meeting at 8:18 P.M.

- 54541 - It was moved by Ganfield and seconded by Harding that the meeting be adjourned at 8:19 P.M. Motion carried unanimously.

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Kim Kerr, CMC, City Clerk