

**CITY HALL  
CEDAR FALLS, IOWA, AUGUST 7, 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.

- 54387 - It was moved by Harding and seconded by Schultz that the minutes of the Regular Meeting of July 17, 2023 be approved as presented and ordered of record. Motion carried unanimously.
  
- 54388 - Michael Blackwell, Cedar Falls, referenced the 24/7 Wall Street Journal Report regarding the worst cities for Black Americans to live and expressed his concerns and hopefulness for the future.
  
- 54389 - Mayor Green announced that in accordance with the public notice of July 22, 2023, this was the time and place for a public hearing on the proposed revised plans, specifications, form of contract & estimate of cost for the 2023 Sidewalk Assessment Project - Zone 1. It was then moved by Schultz and seconded by Harding that the proof of publication of notice of hearing be received and placed on file. Motion carried unanimously.
  
- 54390 - 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 proposed project, the Mayor declared the hearing closed and passed to the next order of business.
  
- 54391 - It was moved by Harding and seconded by Kruse that Resolution #23,259, approving and adopting the revised plans, specifications, form of contract & estimate of cost for the 2023 Sidewalk Assessment Project - Zone 1, be adopted. Following questions and comments by Councilmembers Ganfield, Schultz, Harding and Kruse, and responses by City Engineer Wicke 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, Ganfield, Sires, Dunn. Nay: None. Motion carried. The Mayor then declared Resolution #23,259 duly passed and adopted.
  
- 54392 - Mayor Green announced the continuation of a public hearing to consider entering into an Agreement for Private Development, and to consider conveyance of certain city-owned real estate to Ryan Companies US, Inc. Economic Development Coordinator Graham provided a brief summary of the agreement. There being no one else present wishing to speak about the agreement and conveyance, the Mayor declared the hearing closed and passed to the next order

of business.

- 54393 - It was moved by Kruse and seconded by Dunn that Resolution #23,260, approving and authorizing execution of an Agreement for Private Development, and approving and authorizing execution of a Deed Without Warranty conveying certain city-owned real estate to Ryan Companies US, Inc, be adopted. Following questions by Councilmembers Ganfield and Harding, and responses by Economic Development Coordinator Graham 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 #23,260 duly passed and adopted.
- 54394 - It was moved by Kruse and seconded by Harding that Ordinance #3031, amending the Zoning Map by removing approximately 2.26 acres of property located at 702 LeClair Street from the C-1, Commercial Zoning District and placing the same in the PC-2, Planned Commercial Zoning 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 #3031 duly passed and adopted.
- 54395 - It was moved by Kruse and seconded by Schultz that Resolution #23,261, approving and authorizing execution of a PC-2, Planned Commercial Zoning District Developmental Procedures Agreement with Randy W. Howe Revocable Trust, and approving a PC-2, Planned Commercial Master Plan relative to construction of a warehouse/storage building, 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 #23,261 duly passed and adopted.
- 54396 - It was moved by Kruse and seconded by Ganfield that Ordinance #3032, amending Chapter 26, Zoning, of the Code of Ordinances relative to allowance of vinyl siding on residential buildings with six or fewer dwelling units in the Neighborhood Frontages within the CD-DT, Downtown Character 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, Ganfield, Sires. Nay: Harding, Dunn. Motion carried. The Mayor then declared Ordinance #3032 duly passed and adopted.
- 54397 - It was moved by Kruse and seconded by Harding that Ordinance #3034, amending Chapter 19, Streets and Sidewalks, of the Code of Ordinances relative to removal of snow and ice, 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 #3034 duly passed and adopted.

54398 - It was moved by Ganfield and seconded by Kruse that Ordinance #3035, amending Chapter 23, Traffic and Motor Vehicle, of the Code of Ordinances relative to prohibiting parking on certain portions of Bluebell Road, 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 #3035 duly passed and adopted.

54399 - It was moved by Kruse and seconded by Harding that Ordinance #3036, amending Chapter 3, Advertising, of the Code of Ordinances relative to political signs, 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, Dunn. Nay: None. Motion carried.

54400 - It was moved by Kruse and seconded by Harding that Ordinance #3037, amending Chapter 2, Administration, of the Code of Ordinances relative to salaries for elected officials, 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, Ganfield, Dunn. Nay: deBuhr, Sires. Motion carried.

54401 - It was moved by Kruse and seconded by Dunn that the following items on the Consent Calendar be received, filed and approved:

Receive and file the City Council Standing Committee minutes of July 17, 2023 relative to the following items:

- a) Grow Cedar Valley Update.
- b) Parking Permits for Downtown Residents.
- c) City Council Emails on City Website.
- d) Request for 4-Way Stop at the Lone Tree and Center Street Intersection.

Receive and file Departmental Monthly Reports of June 2023.

Approve a request for a temporary sign/banner to be located on city-owned property at 205 West 1st Street for 60 days.

Approve the following applications for retail alcohol licenses:

- a) Main Street Sweets, 307 Main Street, Special Class B retail native wine – renewal.
- b) Amigo, 5809 University Avenue, Class C retail alcohol & outdoor service - renewal.
- c) The Pump Haus Pub & Grill, 311 Main Street, Class C retail alcohol & outdoor service - renewal.
- d) Wilbo, 118 Main Street, Class C retail alcohol & outdoor service - renewal.

e) Live to 9, 200 Block of State Street and 100 Block of East 2nd Street including adjacent sidewalks, Special Class C retail alcohol & outdoor service – 5-day permit.

f) Kwik Star, 4515 Coneflower Parkway, Class B retail alcohol - new.

Motion carried unanimously.

54402 - It was moved by Schultz and seconded by Harding to approve the following recommendations of the Mayor relative to the appointment of members to Boards and Commissions:

a) Nick Evens, Utilities Board of Trustees, term ending 08/31/2027.

b) Sandy Thomas, Visitors & Tourism Board, term ending 07/01/2026.

Following comments by Mr. Evens and Councilmembers Harding and Schultz, the motion carried unanimously.

54403 - It was moved by Kruse and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #23,262, approving and authorizing execution of Memorandum of Understanding with the Iowa Department of Revenue relative to participation in the State Setoff Program.

Resolution #23,263, approving and authorizing execution of a Master Services Agreement with CivicPlus relative to content management software for the City's web site.

Resolution #23,264, approving and authorizing execution of an Agreement with ByWater Solutions relative to an Integrated Library System (ILS) for the Waterloo and Cedar Falls Public Libraries.

Resolution #23,265, approving and authorizing execution of an Agreement with Tree Town Consultants, LLC for the purchase and training of a dual-purpose police dog.

Resolution #23,266, approving and authorizing execution of a First Amendment to the Wellness Program Services Agreement with TMA @ Your Service, LLC, d/b/a "Wellworks For You" relative to a platform for the City's employee wellness program.

Resolution #23,267, approving and authorizing execution of an Offer to Buy Real Estate and Acceptance for 8,000 square feet of city-owned property adjacent to 6317 Development Drive within the West Viking Road Industrial Park.

Resolution #23,268, approving and authorizing execution of an Owner-Occupied Rehabilitation Contract with Daniels Home Improvement relative to a Community Development Block Grant (CDBG) housing rehabilitation project.

Resolution #23,269, approving and authorizing execution of an Agreement with Iowa Northland Regional Council of Governments (INRCOG) for administration

and technical services related to Community Development Block Grant (CDBG) Funding Project Delivery for FY2024 (Federal Fiscal Year 2023).

Resolution #23,270, approving and authorizing execution of an Agreement with Iowa Northland Regional Council of Governments (INRCOG) for technical services related to Home Investment Partnerships Program (HOME) Funding Project Delivery for FY2024 (Federal Fiscal Year 2023).

Resolution #23,271, approving and authorizing the expenditure of funds for the purchase of a pickup truck for the Parks Section.

Resolution #23,272, approving and authorizing submission of an Application for Site-Specific Traffic Safety Improvement Program (TSIP) funding to the Iowa Department of Transportation (IDOT) relative to the Prairie Parkway and Viking Road Intersection Improvements Project.

Resolution #23,273, 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 Lerversee Road.

Resolution #23,274, approving the Certificate of Completion for the 2021 Public Sidewalk Repair and Infill Project.

Resolution #23,275, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the 2021 Street Construction Project, and approving and authorizing the transfer of funds from the Street Construction Fund, GO 2022, Sanitary Sewer Rental Fund and Golf Improvement Fund to the Street Repair Fund (LOST).

Resolution #23,276, approving the Certificate of Completion and accepting the work of Peterson Contractors, Inc. for the 2022 Street Construction Project, and approving and authorizing the transfer of funds from the Street Construction Fund, GO 2022, Sanitary Sewer Rental Fund and Golf Improvement Fund to the Street Repair Fund (LOST).

Resolution #23,277, approving the Certificate of Completion and accepting the work of Benton's Sand & Gravel, Inc. for the Clay Street Park Water Quality Improvements Project.

Resolution #23,278, setting August 21, 2023 as the date of public hearing on the proposed conveyance of certain vacated city right-of-way along Hudson Road.

Resolution #23,279, setting August 21, 2023 as the date of public hearing on proposed amendments to Chapter 26, Zoning, of the Code of Ordinances relative to parking requirements for institutional uses in the Downtown Character District (CD-DT).

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 #23,262 through #23,279 duly passed and adopted.

- 54404 - It was moved by Kruse 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 first consideration. Following questions by Councilmember deBuhr, and responses by Administrative & Parking Supervisor Breitbach, the Mayor put the question on the motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield, Sires, Dunn. Nay: deBuhr. Motion carried.
- 54405 - It was moved by Kruse and seconded by Harding that Ordinance #3039, 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 first consideration. Following questions by Councilmembers deBuhr and Schultz, responses by City Engineer Wicke and Administrative & Parking Supervisor Breitbach, and additional comments by Dr. William Henninger, UNI, 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, Ganfield. Motion carried.
- 54406 - It was moved by Dunn and seconded by Schultz 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 first consideration. Following comments by Councilmember Kruse, it was moved by Kruse and seconded by Ganfield to postpone consideration to the October 2, 2023 City Council meeting to allow completion of a pedestrian study. Following questions and comments by Councilmembers deBuhr, Schultz, Dunn, Kruse, Harding and Ganfield, Mayor Green, and Cedar Falls residents Amy Jardon, Jim Newcomb and Mark Suchy, and responses by Public Works Director Schrage and City Administrator Gaines, it was moved by Schultz to call the question. Motion to call the question carried unanimously. The motion to postpone failed 2-5, with Schultz, Harding, Ganfield, Sires and Dunn voting Nay. Following additional comments and questions by Councilmembers Harding, deBuhr, Schultz and Kruse, and Amy Jardon, responses by Schrage, City Attorney Rogers and Community Development Director Sheetz, and closing comments by Mayor Green, the Mayor put the question on the original motion and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Harding, Ganfield, Sires, Dunn. Nay: deBuhr, Kruse. Motion carried.
- 54407 - It was moved by Kruse and seconded by Ganfield that the bills and claims of August 7, 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.

54408 - It was moved by Kruse and seconded by Schultz 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; and to discuss the City Administrator's performance pursuant to Iowa Code Section 21.5(1)(i) and City Code Section 2-217. 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 8:25 P.M.

Mayor Green reconvened the Council meeting at 10:14 P.M.

54409 - It was moved by Dunn and seconded by Sires that the meeting be adjourned at 10:15 P.M. Motion carried unanimously.

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Jacqueline Danielsen, MMC, City Clerk