

**CITY HALL
CEDAR FALLS, IOWA, AUGUST 21, 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.

54410 - It was moved by Kruse and seconded by Harding that the minutes of the Regular Meeting of August 7, 2023 be approved as presented and ordered of record. Motion carried unanimously.

54411 - The Mayor then asked if there were any agenda revisions. Administrative Supervisor Kerr noted that item #22 on the Resolution Calendar was being removed from the agenda.

54412 - Jim Newcomb, Cedar Falls, representing the North Cedar Neighborhood Association, spoke in favor of establishing a 4-way stop at the intersection of Center Street & Lone Tree Road.

Josh Wilson, Cedar Falls, commented on the city's charter and re-evaluating the form of government through a public referendum, and provided Council with information on state code regarding a referendum.

Reverend Michael Blackwell, Cedar Falls, referenced the Forbes and Business Leader articles regarding the worst cities for Black Americans to live and encouraged Cedar Falls, Waterloo, Black Hawk County, and the State of Iowa to work together to eliminate racism and make the metro area more conducive to the vision of a democratic republic.

Bobbi Jo Page, Grundy County, commented on the Wall Street Journal 24/7 report, and shared her support for Reverend Blackwell.

54413 - Public Safety Director Berte commented on cooling stations located throughout the city. He also commented on the collaboration with MercyOne and that the ambulance is now dispatched from the Public Safety Center.

City Attorney Rogers responded to a request by Councilmember Ganfield for an update on City Council meetings and gatherings.

54414 - Mayor Green announced that in accordance with the public notice of August 12, 2023, this was the time and place for a public hearing on the proposed conveyance of certain vacated city right-of-way along Hudson Road. 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.

- 54415 - The Mayor then asked if there were any written communications filed to the proposed conveyance. 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 conveyance. There being no one else present wishing to speak about the proposed conveyance, the Mayor declared the hearing closed and passed to the next order of business.
- 54416 - It was moved by Kruse and seconded by Harding that Resolution #23,280, approving the conveyance and authorizing execution of a Quit Claim Deed conveying certain vacated city right-of-way along Hudson Road to David and Tamara Nicol, 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 #23,280 duly passed and adopted.
- 54417 - Mayor Green announced that in accordance with the public notice of August 12, 2023, this was the time and place for a 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). 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.
- 54418 - The Mayor then asked if there were any written communications filed to the proposed amendments. Upon being advised that there are written communications on file and included in the packet, the Mayor then called for oral comments. Planning & Community Services Manager Howard provided a summary of the proposed amendments. Following comments in support of the amendment by Cedar Falls residents Paul DeMarc, Donna Bash, Tom Hogue, Laura Schaefer, and Mark Sharp, the Mayor declared the hearing closed and passed to the next order of business.
- 54419 - It was moved by Ganfield and seconded by Kruse that Ordinance #3041, amending Chapter 26, Zoning, of the Code of Ordinances relative to parking requirements for institutional uses in the Downtown Character District (CD-DT), be passed upon its first consideration. Following questions and comments by Councilmembers Dunn, deBuhr, Harding, Ganfield, Schultz, Kruse, and Sires, University of Northern Iowa Student Liaison Noah Hackbart, and Mayor Green, and responses by Planning & Community Services Manager Howard, 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.
- 54420 - Councilmembers agreed by consensus to Mayor Green's request to consider item #8 under old business at this time.

It was moved by Ganfield 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 second consideration. Following questions and comments by Councilmember deBuhr and Cedar Falls resident Shirley Merner, and responses by 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, Harding, Ganfield, Sires, Dunn. Nay: deBuhr, Kruse. Motion carried.

- 54421 - It was moved by Kruse and seconded by Schultz that Ordinance #3036, amending Chapter 3, Advertising, of the Code of Ordinances relative to political signs, 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 #3036 duly passed and adopted.
- 54422 - 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 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, Kruse, Harding, Ganfield, Dunn. Nay: deBuhr, Sires. Motion carried. The Mayor then declared Ordinance #3037 duly passed and adopted.
- 54423 - 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 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, Sires, Dunn. Nay: deBuhr. Motion carried.
- 54424 - It was moved by Kruse and seconded by Harding that the rules requiring Ordinance #3039 be considered at three separate meetings, be suspended. Motion failed 4-3, with deBuhr, Ganfield and Sires voting Nay.

It was then moved by Kruse and seconded by Dunn 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 second consideration. Following a comment by Councilmember Ganfield, it was moved by Ganfield and seconded by Kruse to amend the motion to change the time limit to 2-hours instead of 90 minutes. Following questions and comments by Councilmembers Dunn, Schultz, Harding, Kruse, Sires, and Ganfield, and responses by Mayor Green and UNI Student Liaison Hackbart, it was moved by Kruse to postpone consideration until the September 5, 2023 City Council Meeting. Motion failed due to lack of a second. Following comments by Councilmembers Kruse and Ganfield, the motion to amend carried unanimously.

Following a question by Councilmember Schultz, and response by City Attorney Rogers, the Mayor put the question on the motion as amended and upon call of the roll, the following named Councilmembers voted. Aye: Schultz, Kruse, Harding, Ganfield, Sires, Dunn. Nay: deBuhr. Motion carried for passage of new Ordinance #3043 upon its first consideration.

- 54425 - It was moved by Ganfield 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 August 7, 2023 relative to the following items:

- a) Retiring/Expiring TIF Districts and Process of Releasing Funds.
- b) Pedestrian Crosswalks on University Avenue, Center Street & 12th Street.

Receive and file a communication from the Civil Service Commission relative to the certified list for the position of Traffic Technician.

Receive and file Personnel Policies for the City of Cedar Falls that have been reformatted to the new standard policy format.

Approve the following applications for retail alcohol licenses:

- a) Whiskey Road Tavern & Grill, 402 Main Street, Class C retail alcohol & outdoor service - renewal.
- b) B & B West, 3105 Hudson Road, Class E retail alcohol - renewal.
- c) Panther Travel Center, 1525 West Ridgeway Avenue, Class E retail alcohol - renewal.
- d) River Place Plaza, 200 East 2nd Street – Plaza, Special Class C retail alcohol & outdoor service – temporary expansion of outdoor service area. (September 2-3, 2023)
- e) Metro Mart, 103 Franklin Street, Class E retail alcohol - new.

Motion carried unanimously.

- 54426 - It was moved by Ganfield and seconded by Harding that the following resolutions be introduced and adopted:

Resolution #23,281, calling for a public referendum to authorize the imposition of a local sales and services tax in the City of Cedar Falls, Iowa, at the rate of one percent (1%), to be effective on January 1, 2026.

Resolution #23,282, approving and adopting the rate of \$3.89 per \$1,000 taxable value for the Downtown Cedar Falls Self-Supported Municipal Improvement District (SSMID) for FY2025.

Resolution #23,283, approving and authorizing execution of a Termination of Agreement for Private Development, and approving and accepting a Warranty Deed, relative to an Agreement for Private Development with Wayne Estates, LLC.

Resolution #23,284, approving and accepting Diamond Arts & History grant

funding from the Cedar Falls Community Foundation relative to developing an Art & Culture Mobile Tour project.

Resolution #23,285, approving and authorizing execution of a Change Order relative to a Community Development Block Grant (CDBG) Rental Rehabilitation Project at 1009 West 3rd Street.

Resolution #23,286, approving the preliminary plat of Ashworth North Subdivision.

Resolution #23,287, approving and authorizing submission of an application to the Iowa Department of Homeland Security and Emergency Management (IDHSEM) for hazard mitigation relative to purchasing repetitive loss (RL) and severe repetitive loss (SRL) properties in northern Cedar Falls.

Resolution #23,288, approving and authorizing execution of Amendment Number Four to the Subaward Agreement with the Iowa Department of Homeland Security and Emergency Management (IDHSEM) for an extension of the Voluntary Property Acquisition Program funded through the Hazard Mitigation Grant Program relative to the Northern Cedar Falls Flood Buyout Program.

Resolution #23,289, receiving and filing, and approving and accepting the bid of Boulder Contracting, LLC, in the amount of \$74,473.50, being the only bid received for the 2023 Sidewalk Assessment Project – Zone 1.

Resolution #23,290, approving and authorizing execution of a Cooperative Agreement for Construction Projects with Black Hawk County relative to the West Viking Road Reconstruction Project.

Resolution #23,291, approving and authorizing execution of a License Agreement with Unite Private Networks relative to installing a fiber optic telecommunications system within the public right-of-way along Technology Parkway.

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 #23,281 through #23,291 duly passed and adopted.

- 54427 - It was moved by Kruse and seconded by Harding that Resolution #23,292, approving setting September 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 Cedar Falls Partners, LLC, be adopted. Following comments by Councilmembers Ganfield and Kruse, and responses by City Administrator Gaines, City Attorney Rogers and 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, deBuhr, Kruse, Harding, Ganfield, Sires, Dunn. Nay: None. Motion Carried. The Mayor then declared Resolution #23,292 duly passed and adopted.

- 54428 - It was moved by Dunn and seconded by Ganfield that Ordinance #3042, amending Chapter 2, Administration, of the Code of Ordinances relative to establishing a Bicycle and Pedestrian Commission, 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, Kruse, Harding, Ganfield, Sires, Dunn. Nay: deBuhr. Motion carried.
- 54429 - It was moved by Kruse and seconded by Ganfield that the bills and claims of August 23, 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.
- 54430 - Councilmember Ganfield announced his intentions to host a ministerial gathering at his home to celebrate the outgoing Council and Mayor.
- 54431 - 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 8:24 P.M.

Mayor Green reconvened the Council meeting at 8:58 P.M.

- 54432 - It was moved by Kruse and seconded by Harding that the meeting be adjourned at 8:59 P.M. Motion carried unanimously.

Kim Kerr, CMC, Administrative Supervisor