

## **COMMITTEE OF THE WHOLE**

City Hall – Council Chambers

January 6, 2020

The Committee of the Whole met in the Council Chambers at 5:00 p.m. on January 6, 2020, with the following Committee persons in attendance: Mayor Robert M. Green, Frank Darrah, Susan deBuhr, Simon Harding, Daryl Kruse, Mark Miller, and Dave Sires. Staff members attended from all City Departments. Kristine Stone from Ahlers & Cooney, Mark Little from MET Transit, Codie Leseman from INRCOG, and Planning and Zoning Commission members attended, as well as members of the community.

Mayor Green called the meeting to order and introduced the first item on the agenda, Capital Improvements Program (CIP). Jennifer Rodenbeck Director of Finance and Business Operations stated the CIP is a planning document and does not authorize funding of the project. She stated there are 217 projects totaling over \$307 million. She stated the document incorporates council goals and includes both infrastructure as well as quality of life projects. She also noted that the CIP was developed to maintain an even effect on tax rates. Ms. Rodenbeck then reviewed various projects and the timing of them. She stated there are 14 Stormwater projects totaling \$3.6 million and 19 Sewer project totaling \$76 million. She stated the City continue's to have a low use of the debit capacity, between 9-10%. Mayor Green opened it for comment from the Council. There were no comments. Ms. Rodenbeck stated the formal Public Hearing will be set for January 20, 2020.

Mayor Green moved on to the second item on the agenda Conflict of Interest/Ex Parte Communications/Roles of Elected Officials. Kevin Rogers City Attorney introduced Kristine Stone from Ahlers and Cooney. Ms. Stone reviewed a PowerPoint presentation regarding the City of Cedar Falls governance structure; elected Mayor and City Council and appointed City Administrator; and each body's roles. Ms. Stone stated a council member is a member of a governing body and should make decisions as a whole not individually. She stated State Law and City Code help guide elected officials and City Staff. She stated the Mayor is the Chief Executive Officer, Council will develop broad goals and City Administrator is the Chief Administrative Officer.

Ms. Stone reviewed the definition of conflict of interest. She explained per city policy an annual declaration of compliance is required and she said when in doubt the potential conflict should be disclosed and do not take action on the matter. Ms. Stone stated the potential conflict of interest does not have to be financial in nature. She reviewed Iowa Code Chapter 362 and Chapter 68B. A brief discussion was held.

Ms. Stone reviewed ex parte communication and stated it is due process, which requires fundamental fairness in a judicial proceeding guaranteed by the United States and Iowa Constitutions. She stated due process applies in situations where a city council is performing a quasi-judicial function, such as proceedings of a public hearing, some rezoning matters, license revocations, nuisance abatement and any and all appeals. Ms. Stone stated ex parte communications can lead to one party being heard more than the other or lead to a partial decision maker. She stated the council should be impartial decision makers giving equal time to both parties at the council meetings. She reviewed a list of prohibited communications. Ms. Stone stated an open meeting is

the preferred method for a meeting, this allows the public to be present. The meeting should have a majority of the members present, acting on the matter at hand. She reviewed the open meeting requirements. Ms. Stone then reviewed the 12 possible reasons for a closed session. She stated there must be a 2/3's vote of the council to go to a closed session. City Attorney Rogers stated a copy of the PowerPoint is available. There was a brief discussion.

Mayor Green continued to item three on the agenda, Bus Route Restructuring. Mark Little MET Transit General Manager stated the Metropolitan Transit Authority has a nine member board of trustees, five from Waterloo and four from Cedar Falls. He explained they have proposed a 3% increase for FY2021 funding, this is due to fuels costs and personnel costs. He stated there were 375,000 riders on the regular route, 60,000 riders on the para transit route and approximately 20,000 riders specifically on the Cedar Falls route. Codie Leseman Transportation Planner with INRCOG, reviewed a PowerPoint on the bus route restructuring. He stated public transportation is available to those individuals with no other option for transportation and helps individuals escape poverty. He stated all the businesses are equipped to handle handicapped/wheelchair bound individuals. He compared the cost of a bus pass, \$608/year, to that of owning a 5-year old car, \$5,265/year. He stated the bus is a reliable form of transportation compared to Uber/Lyft, which may be unpredictable with few drivers certain times of the day. Mr. Leseman reviewed the current Bus 9 and 11 Routes which are loop routes, only traveling in one direction. He stated all other routes are shared with Waterloo. He reviewed a bus trip example; the rider will have a 10 minute trip to the library, but will have a 50 minute trip back home. He reviewed a draft plan for a two directional route, which will cut travel time of the previous example to eight minutes to the library and eight minutes home. Mayor Green opened it up for discussion. Mr. Little stated the current rate is \$1.50/ride which is comparable statewide. He stated there may be a trade off in adding a two direction bus service with some routes being altered or eliminated. He said they will market to where the riders are. Stephanie Sheetz Director of Community Development stated increased cost, public outreach and driver's survey are being reviewed. She stated the increase is \$150,000/year and is a significant increase and they are still gathering information to make an assessment. Mr. Little stated they have implemented smaller buses due to the number of riders, allowing a small cost savings. Jennifer Rodenbeck Director of Finance and Business Operations stated the current budget for MET Transit is approximately \$400,000/year and in order to pay for the additional \$150,000, there would need to be an increase to the property tax MET Transit Levy.

Mayor Green introduced the final item on the agenda, bills and two payrolls. Daryl Kruse moved to approve the bills and two payrolls as presented, and Frank Darrah seconded the motion. The motion carried unanimously.

There being no further discussion, Daryl Kruse motioned to adjourn, and Mark Miller seconded the motion. Mayor Green adjourned the meeting at 6:36 p.m.

Minutes by Lisa Roeding, Controller/City Treasurer