

January 11, 2011

Proceedings of the City Council of University Heights, Iowa, subject to approval by the Council at a subsequent meeting. ALL VOTES ARE UNANIMOUS UNLESS OTHERWISE STATED.

REGULAR MEETING

Mayor From called the January 2011 meeting of the University Heights City Council to order at 7:00 p.m.

Present: Mayor From. Council Members Mike Haverkamp, Jim Lane, Brennan McGrath, Pat Yeggy. Staff present: Engineer Bilskemper, Attorney Ballard, Police Chief Fort, Treasurer Kimura, and Clerk Anderson. Also present were Pat Bauer, Kathy Belgum, Andy Dudler, Alice Haugen, Rosanne Hopson, Mary Schmidt, Rich Schmidt, Jane Swails, Larry Wilson and Mary Mathew Wilson.

Absent: Council member Stan Laverman.

The minutes of the December 14, 2010 meetings of the Council were presented and approved by **unanimous consent**.

Public Input: Jane Swails asked the council to inspect the bushes and pine trees at 334 Highland Drive and 335 Koser Avenue to see if they are in compliance with the city ordinance. Council member Yeggy and Clerk Anderson will send a letter to the property owners.

Pat Bauer commented that the special election was not a reflection on either candidate as a person but rather a referendum on a particular issue; the development for the St. Andrew property. Bauer hopes that the city will be aggressively open and have a transparent process for when it receives the PUD and TIF applications. Bauer also stated that he was informed the church vote will happen much sooner than 2013, as originally planned, and the interim pastor has accepted a call to a church in Cedar Rapids.

Kathy Belgum asked Council member Lane to explain his statement, from the candidate forum, that he would save the ravine. Council member Lane replied that Shive Hattery and JCCOG personnel are working on reconfiguring the plans to allow the ravine to be saved while an exit would be created next to Sunset Street. The plans are still in the preliminary stages.

Swails asked if there was any way to limit the number of rental properties in the city. Council member McGrath replied that he had proposed raising the rental permit fee to a level which people would be unwilling to pay. Attorney Ballard states there are restrictions on what cities can impose for fees and the reasonable cost of the services associated with those fees. Also, by trying to restrict the number of rentals, there is a perceived negative, that the city is trying to exclude lower-income individuals. Mayor From stated the city is working on enforcing the rules and tightening up the regulations; the city recently hired two building inspectors for this purpose. Council member McGrath feels the city needs to focus on owner-occupied and out-of-town property owners to make sure rental properties are in compliance.

Belgum inquired if the rules can be further tighten up as it was her understanding that it takes months to documents properties that are not in compliance. Attorney Ballard replied it depends on the situation; the council has adopted regulations for cars parked on yards, regulations on turn a yard into a parking lot and occupancy issues. The rental permit has evolved over time and it's aggressive in getting information about renter's name and a contact person if there are problems. The rental regulations state a property owner has a certain number of days to provide a lease, if the city requests it. Attorney Ballard sent an affidavit to the recorders office that will show on any property's abstract regarding the rental regulations, including occupancy restrictions, in University Heights.

Alice Haugen asked if community members will be involved in the ravine discussions: she volunteered to be involved. Mayor From will suggest this to the parties involved. Haugen also suggested the council send a follow-up e-mail to the webmaster summarizing phone conversations regarding the St. Andrew development.

Mary Mathew Wilson suggested that the city consider a service-learning project for students to assist with the web design and to improve on navigation. Council member Haverkamp was very open to this idea.

Mayor's Report: A written report was presented. Silva Quezada, of 416 Ridgeview Avenue, and Margaret Donnelly of 909 Melrose Avenue were appointed to the Zoning Commission and Board of Adjustment, respectively. Mary From thanked Wally Heitman and Laura Bowers for their ten years of service to the city. From stated that if citizens are interested in serving on committees, they should contact her.

From also thanked the Chautauqua and parade committee members and volunteers for all of their work on the city's 75th anniversary events. A special thank-you to Shive-Hattery for their sponsorship of the Chautauqua and for their purchase and placement of the Melrose Avenue wide-sidewalk dedication plaque.

Mayor From also read a disclosure statement to the council and audience members regarding a property transaction involving Jeff Maxwell:

"In 1998, McKinley Place Properties L.C. bought four condominium units from Prime Ventures L. C., according to real estate records on file with the Johnson County Recorder's Office.

Members of McKinley Place Properties included Louise From and Dell Richard, and their respective spouses. Richard is the attorney for St. Andrew Presbyterian Church. Members of Prime Ventures were Jeff Maxwell and Gary Watts.

"I had no idea that Jeff Maxwell was part of Prime Ventures until January 3, 2011, when some of the real estate papers were shown to me. When the condominiums were purchased, the real estate agent was Gary Watts, who I thought was the sole owner of Prime Ventures. The 1998 purchases were the only business dealings I have had with Prime Ventures.

"I am publicly outlining this transaction in the interests of full disclosure. I have spoken with the city attorney, and he has indicated that the condominium purchase does not present a conflict of interest that would prevent me from acting in my official capacity as mayor during the consideration of the proposed rezoning or during the later consideration of a PUD Plan Application. If any council member has questions about this, I will be happy to answer them."

Legal Report: No written report was presented.

Council member McGrath asked the council to start considering the city's position on restricting carrying firearms within the city and there may be an opportunity to create a gun-free safe zone. It is not McGrath's intention to infringe on citizen's rights to own guns. Haverkamp stated that schools are a gun-free safe zone. Attorney Ballard stated that the city has no authority to determine where firearms would be permitted. For city-owned or leased properties, there may be avenues the city can pursue. Attorney Ballard will research this issue and report at a later council meeting.

Clerk's Report: A written report was presented. Five new rental permits were received since the last council meeting. Norm Cate, UH Rental Inspector, will return from vacation on January 17, 2011.

Finance Report: A written report was presented. Council member McGrath led a discussion on whether the city should repay the bridge loan for the Melrose Avenue Wide-Sidewalk project in its entirety, or pay-off a large percentage of the principal or continue to make interest-only payments. The city has received approximately \$300,000 in Local Option Sales Tax money. McGrath commented that he still is unsure that all of the prudent financial information has been gathered.

Council discussed several options and opted to wait until the next council meeting so that Council members Hopson and Laverman could participate in the discussion. Council felt it may be time to hire a consultant to assist with this decision and other financial issues.

McGrath withdrew discussion on the Americorp environmental project assistance invitation due to the high fee involved in the project.

Engineer Bilskemper began the preliminary discussion of the 2011-12 city budget. Standard costs for street sweeping and striping, engineering services, tree trimming and other items remain unchanged except for snow

Engineer Bilskemper met with Mayor From and council member Yeggy to look at future projects up to 2040. Per JCCOG, there are new guidelines for federal funding for projects; they need to be completed within five years and must be very clear and definitive in scope.

Bilskemper also stated that invitations to Olive Court residents had been mailed; they are invited to attend the next council meeting to hear about the city's tree report.

Building, Zoning & Sanitation: No report as council member Laverman was absent.

Council member McGrath stated that Johnson County Refuse is enforcing the number of garbage stickers on containers over 35 gallons.

E-Government: Council member Haverkamp continues to work on updates for the website.

JCCOG: The next meeting will be held January 19, 2011.

Announcements: Mayor From will not be at the March meeting as she will be out-of-town.

The meeting was adjourned by **unanimous consent at 8:55 p.m.**

Attest: Christine M. Anderson, City Clerk

Approved: Louise A. From, Mayor