

UNIVERSITY HEIGHTS, IOWA

1004 Melrose Avenue

January 10, 2012

Proceedings of the City Council of University Heights, Iowa, held at Horne School, 600 Koser Avenue, subject to approval by the Council at a subsequent meeting. ALL VOTES ARE UNANIMOUS UNLESS OTHERWISE STATED.

REGULAR MEETING

Mayor Louise From called the January 10, 2012, meeting of the University Heights City Council to order at 7:00 p.m. January 10, 2012.

Present: Mayor From. Council Members Mike Haverkamp; Rosanne Hopson; Jim Lane; Jan Leff; and Brennan McGrath. Staff present: Attorney Steve Ballard, Police Chief Ron Fort, and City Engineer, Josiah Bilskemper. Also present were: Pat Bauer, Ann Dudler, Andy Dudler, Pat Yeggy, Tom Haugen, Alice Haugen, Mary Matthew Wilson, Larry Wilson, Jane Swails, Gabriela Muste, Norm Cate, Steve Kuhl, and Doug Kronlage.

Absent: Treasurer Kimura and Clerk Anderson.

The minutes of the December 13, 2011 meeting of the Council were presented and amended to change the order of proceedings such that before "Public Input" the following portions of the minutes will appear in this order: Consideration and Vote on Resolution No. 11-22; and Consideration and Vote on Resolution No. 11-21. The minutes were approved, as amended, by unanimous consent

The minutes of the December 20, 2011 special meeting of the Council were approve by unanimous consent.

Audit Report: The independent auditor's reports for the City for the year ended June 30, 2011, were presented by Douglas Kronlage of Kronlage & Olson, P.C. Mr. Kronlage reviewed relevant findings and answered questions of the Council. Mr. Kronlage also provided copies of the auditor's reports to the Council.

MOTION by Hopson, second by Haverkamp to accept the independent auditor's reports for the City for the year ended June 30, 2011. **Carried.**

The Council will be required by law to have an audit again in four years.

Hearing on Appeal of Over-Occupancy citation - 1236 Melrose Avenue: Mayor From called to order a hearing on an appeal by the owners of 1236 Melrose Avenue to the citation for over-occupancy they received from the City Housing Inspector, Norm Cate. Mr. Care presented a citation given to the owners of 1236 Melrose Avenue on or about October 2, 2011, informing the owners that the number of people living in that home exceeded the occupancy restrictions of the City's Zoning and Rental Housing Ordinances. Mr. Cate described how the occupancy at this property came to his attention and his investigation into the circumstances. A letter of appeal from the property owners, Marian and Gabriela Muste, was presented to the Council. The Council was also presented with a copy of the Notice of Public Hearing given to the Mustes by Attorney Ballard, as well as Attorney Ballard's description of the circumstances and issues for the Council to consider as a part of his legal report. Attorney Ballard previously informed the Mustes that their letter would be treated as an appeal of the citation issued by Inspector Cate.

Gabriela Muste appeared personally and indicated that she and her family lived in this home previously and had a good relationship with all of their neighbors. She indicated that this is the seventh year they have rented their home and before this academic year, it had been rented to individual families. Since July 1, 2011, the home has been rented to two couples and a friend for a total of five people. The tenants are all serious grad students and very decent people. The Muste drive past the home every day and keep a close eye on it. The tenants do not have football parties and are not permitted to park cars on the property during football games. She said it is rare to see any parking on this property in the driveway. She said that she and her husband want to be in compliance and will come into compliance but would like to show how they have managed the property and request that they be permitted to maintain the current occupancy through July 31, 2012, when their current lease expires. The Mustes do not want to disturb the school year for their tenants. She said that it was hard to see how one occupancy rule could apply to all homes in University Heights given different homes' square footage and configuration.

Mayor From asked for public comment on the appeal. Jane Swails said that, although the tenants at this property may not currently be causing any problems, that situation could change and the Council should guard against future possible changes in circumstances.

The Council then discussed the citation and the appeal, including the written and oral comments received. McGrath asked if there had been legal precedents. Attorney Ballard said that prior councils and city officials had sometimes permitted property owners to have until the end of the academic semester or the end of the lease term to come into compliance, depending upon

when violations were discovered in relationship to those particular time frames and whether there had been disturbances or other problems at the property. Hopson said the situation presented a good property owner who kept up their property but that the City's ordinance should be enforced. McGrath said he had discussed the circumstances with other citizens and there may be a need for a comprehensive overview of the City's regulations concerning occupancy.

MOTION by McGrath, seconded by Lane to reject the appeal and enforce the citation, giving the property owner until January 17, 2012, to come into compliance. Haverkamp said he acknowledged the problem with requiring compliance during the middle of an academic semester but recognized that the ordinances are clear in their terms. Leff said the property owner should not be given a break simply because the tenants involved in the over-occupancy violation presented no behavioral problems. Otherwise, the City would be required to reevaluate an enforcement of its ordinance each time there was a new citation. Lane asked McGrath as the maker of the motion about the possibility of permitting the property owners until February 1, 2012, to come into compliance. McGrath said he was not in favor of that.

MOTION by Lane, seconded by Haverkamp to amend the motion to extend the date of compliance to February 1, 2012. Haverkamp noted it was only two additional weeks. McGrath said that the City is regularly informing property owners of the occupancy restrictions, so enforcement should not be delayed. Hopson noted that the original citation was issued October 10, 2011, and gave until January 1, 2012, for compliance. The Council then voted on the motion to amend the date for compliance to February 1, 2012, and the motion failed, 2-3. The Council then voted on the main motion to reject the appeal and give the property owners until January 17, 2012, to be in compliance, and the motion carried, 5-0.

Public Input: Jane Swails asked about the Sunset Street Wide Sidewalk Project and the City's obligation. Engineer Bilksemper indicated that the City would pay 20% of the costs. Ms. Swails also asked about tree trimming to permit free passage on sidewalks and where the City stood with respect to its inspection of these issues. Engineer Bilksemper will report on this further.

Mary Matthew Wilson discussed the City's policies concerning removal of dead animals from city streets. She was informed that such circumstances may be reported to the University Heights Police Department or to a Council Member or the Mayor. She also asked about the legality of a sign announcing political caucus meetings that had been placed in the City right of way.

Alice Haugen asked whether the Council had considered a change in the City's ordinances concerning occupancy restriction based upon a home's square footage. Council member McGrath will follow up with this request.

Pat Bauer said he had attended a public forum where TIF issues were discussed. Another meeting is scheduled for 10:00 a.m. January 21, 2012, at the Johnson County Human Services Building. Mayor From indicated that John McLure had a DVD from the first meeting in Coralville.

Mary Matthew Wilson noted that J.D. McLure had won the Northwest Junior High Spelling Bee; obviously, not a jejune young man.

Mayor's Report: A written report was presented. New Council assignments are as follows:

Mayor Pro Tem - Rosanne Hopson
Building, Zoning, and Sanitation - Brennan McGrath
Community Protection - Rosanne Hopson, Chair; Mike Haverkamp, Member
E Government - Mike Haverkamp
Finance - Jim Lane
Streets and Sidewalks - Jan Leff

Mayor From also announced citizen appointments to Boards and Commissions as follows:

Board of Adjustment - Ann Dudler
Zoning Commission - Alice Haugen

Mayor From thanked Russ Boyer for his prior service on the Board of Adjustment and Catherine Lane for her service on the Zoning Commission.

Mayor From also announced her 2011 Community MVPs as follows:

John McLure for his many volunteer hours and talents in videotaping City Council meetings.
Scott and Carol Ann Christiansen and Pat Yeggy for the flower garden.

Legal Report: A written report was presented.

Engineer Bilskemper discussed a tree management plan and presented a summary of the report from Mark Vitosh, Forrester with the Iowa Department of Natural Resources.

Engineer Bilskemper presented a Street Sign Inventory and Sign Maintenance Plan.

MOTION by Lane, seconded by Leff, to adopt Resolution No. 12-1 approving and adopting the Street Sign Inventory and Sign Maintenance Plan as presented. **Carried.**

Building, Zoning, and Sanitation: McGrath invited citizens and Council Members to submit ideas or proposals. He said that he had spoken with Steve Smith with Johnson County Refuse about expanding the City's curbside recycling program and was working with the Grandview Court Condominiums Home Owners Association to improve recycling there.

E-government: The City's website has been updated. Haverkamp has updated the City's website. He wants to communicate with each Council Member about updating the pages associated with their respective committees. A Community Protection page will be added to the website.

MOTION by Hopson, seconded by McGrath to pay the event-planning and website interns up to \$750.00 each for their service. These students receive no credit for this effort. They would work approximately 10 hours per week. **Carried.**

The meeting was adjourned by unanimous consent at 9:10 p.m.

**Attest: Steven E. Ballard, City Attorney
For Christine M. Anderson, City Clerk**

Approved: Louise A. From, Mayor

Dml/SEB/UH 0112 RegMtgMts 1-10-12