

September 12, 2017

Proceedings of the City Council of University Heights, Iowa, held at the Community Center, 1302 Melrose Avenue, subject to approval by the Council at a subsequent meeting. ALL VOTES ARE UNANIMOUS UNLESS OTHERWISE STATED.

REGULAR MEETING

Mayor From called the September 2017 meeting of the University Heights City Council to order at 7:00 p.m.

Present: Mayor From. Council Members: Mike Haverkamp, Jim Lane, Dotti Maher, Silvia Quezada and Jerry Zimmermann. Staff present: Attorney Steve Ballard, City Clerk Chris Anderson, Engineer Josiah Bilskemper, Police Chief Kris Lyon and Treasurer Lori Kimura. Also present were Carol Adamson, Tim Adamson, Pat Bauer, Laura Bowers, Steve Boyd, June Braverman, Marshall Bridges, Carolyn Brown, Michael Crocker, Myra Davis, Andy Dudler, Ann Dudler, Linda Fincham, Stepheny Gahn, David Giese, Jim Glasgow, Mark Greiner, Alice Haugen, Nick Herbold, Jase Humphrey, Al Leff, Judy Joyce, Scott Kading, Kate Kemp, Linda Levey, Jeff Maxwell, Ken McElmeel, Scott McNaughton, Liesa Moore, Paul Moore, Greg Prickman, Kent Ralston, Mike Ritchie, Melissa Roberts, Karl Robertson, Wanda Robertson, Rich Schmidt, Marty Schmidt, Alberto Segre, Lisa Segre, Dave Shriver, Glenn Siders, Marvin Sims, Susan Stammes, Greg Stiltner, Jan Stewart, Carolyn Wells, John Wells, Brad Wiley, Larry Wilson, Mary Mathew Wilson and Ken Yeggy.

The minutes of the August 8, 2017 regular council meeting, the August 21, 2017 special council meeting, and the August 28, 2017 special council meeting and work session were approved by unanimous consent.

Updates of One University Place Construction: Jeff Maxwell, developer for the OUP project, updated the council regarding progress of the construction. Glenn Siders submitted a written report. Judy Joyce gave a verbal report on the ravine and landscaping at OUP.

Maxwell asked for permission to place a landscaping stone at the “nose of the island” to help prevent illegal turns into OUP from Sunset Street. Council consensus for Engineer Bilskemper to work with the developer on this request.

There were questions about the outdoor pizza oven located in the outdoor seating area for Maggie’s Pizza restaurant and people being injured touching the oven. The owners will take preventative action.

PUBLIC MEETING

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CITY’S ZONING ORDINANCE (NO. 79) AS RECOMMENDED BY THE ZONING COMMISSION. THE PROPOSED AMENDMENTS WOULD LIMIT “BUILDING COVERAGE” – THE PORTION OF LAND PARCELS THAT MAY BE COVERED BY BUILDINGS – TO 40%. THE PROPOSED AMENDMENTS ALSO MAKE OTHER CHANGES.

Mayor From called the public hearing on the proposed zoning amendments to order at 7:24 p.m. No members of the public spoke regarding the proposed zoning amendments. Mayor From closed the public hearing at 7:25 p.m.

Mayor From reopened the regular council meeting at 7:26 p.m.

Conflict of Interest Statements: Mayor From asked the councilors to reveal any potential conflict of interests prior to voting on any of the night’s agenda items. Councilor Zimmerman stated it could be perceived he has a conflict on the Marriott Hotel vote, as it may benefit his commercial business. Zimmermann stated the perceived conflict is irrelevant, as he plans to vote against the hotel project. Councilor Lane stated he may have a conflict with the Sunset bus stop vote, if it is placed on his property.

Councilors Haverkamp, Maher and Quezada stated they had no conflicts of interests with the agenda items.

MOTION by Haverkamp, seconded by Lane, to approve first consideration of Ordinance No. 209, amending the Zoning Ordinance (No. 79) to limit “building coverage” – the portion of land parcels that may be covered by buildings – to 40%. Carried.

Haverkamp - Aye Lane - Aye
Maher - Aye Quezada - Abstain
Zimmermann– Abstain

MOTION by Haverkamp, seconded by Lane, to approve first consideration of Ordinance No. 210, regulating and adopting requirements, restrictions, and procedures for subdivisions of land. **Carried.**

Haverkamp - Aye Lane - Aye
Maier - Aye Quezada - No
Zimmermann- Aye

MOTION by Haverkamp, seconded by Lane, to approve first consideration of Ordinance No. 211, amending Ordinance No. 191, which requires parkland dedication when certain development occurs, to not require a separate development plan or plat where parkland dedication is shown in subdivision plats to be approved by the city council. **Carried.**

Haverkamp - Aye Lane - Aye
Maier - Aye Quezada - Aye
Zimmermann- Aye

MOTION by Quezada, seconded by Maier, to approve first consideration of Ordinance No. 212 regulating development of properties containing environmentally sensitive areas. **Carried.**

Haverkamp - Aye Lane - Aye
Maier - Aye Quezada - Aye
Zimmermann- Aye

MOTION by Maier, seconded by Quezada, to approve first consideration of Ordinance No. 213, amending Ordinance No. 169, which regulates post-construction stormwater runoff, to broaden the applicability of those regulations, which now apply only to developments that include disturbing land that is one acre or greater in size. **Carried.**

Haverkamp - Aye Lane - Aye
Maier - Aye Quezada - Aye
Zimmermann- Aye

MOTION by Haverkamp, seconded by Quezada, to approve Resolution No. 17-35, authorizing the mayor to sign and the clerk to attest a Conditional Zoning Agreement imposing additional conditions as part of the rezoning of property known locally as 901 Melrose Avenue, a portion of 905 Melrose Avenue, and 909 Melrose Avenue by amending the Zoning Ordinance (No. 79) to create a CH Commercial Hotel Zone that would establish a procedure for the property to be redeveloped a hotel. **Carried.**

Haverkamp - Aye Lane - Aye
Maier - Aye Quezada - Aye
Zimmermann- No

PUBLIC MEETING

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CITY’S ZONING ORDINANCE (NO. 79). THE PROPOSED AMENDMENTS CONCERN PROPERTY KNOWN LOCALLY AS 901 MELROSE AVENUE, A PORTION OF 905 MELROSE AVENUE, AND 909 MELROSE AVENUE. ALL OF THIS PROPERTY IS PRESENTLY ZONED R-1 SINGLE-FAMILY RESIDENTIAL, WHICH PERMITS ONLY SINGLE-FAMILY USES AND PROHIBITS COMMERCIAL USES. THE PROPOSED AMENDMENTS WOULD CREATE A CH COMMERCIAL HOTEL ZONE THAT WOULD ESTABLISH A PROCEDURE FOR THE PROPERTY TO BE REDEVELOPED AS FIVE STORY HOTEL COMPRISING NO MORE THAN 140 ROOMS AND ASSOCIATED AMENITIES INCLUDING LOBBY SPACE; A RESTAURANT, CAFÉ, AND/OR BISTRO; MEETING SPACE; AND A FITNESS CENTER.

Mayor From called the public hearing on the proposed zoning amendments to order at 8:10 p.m. The following individuals addressed the council with their concerns:

- Alice Haugen – 1483 Grand Avenue
- Larry Wilson – 308 Koser Avenue
- Marshall Bridges – 1440 Grand Avenue
- Ann Dudler – 205 Koser Avenue
- Dave Shriver – 100 Sunset Street
- Pat Bauer – 338 Koser Avenue
- Nick Herbold – 1250 Melrose Avenue
- Mary Mathew Wilson – 308 Koser Avenue
- David Giese – 1138 Melrose Avenue
- Mark Greiner – 77 Olive Court
- Rich Schmidt – 207 Mahaska Drive
- Michael Crocker – 1490 Grand Avenue
- Al Leff – 215 Sunset Street
- Susan Stammes – 326 Highland Drive

Mayor From closed the public hearing at 9:01 p.m.

Discussion on impact study of the proposed Marriott hotel: Council member Zimmermann feels the city needs to create a long-term plan for commercial development in the city. Zimmermann reached out to Kent Ralston with MPOJC for his assistance.

Ralston stated, FY18 Work Program, there is an item “to facilitate revisions to the comprehensive plan” which will include surveys to citizens and community meetings. Ralston stated MPOJC assisted on the 2010 plan. Ralston said he would like to start either late Fall or early Winter. Zimmermann requested they solicit community feedback on the hotel and the impact the hotel will have on the city. Ralston replied there would be no issue getting community feedback, and will compile neighborhood information, although he stated he is not an expert on hotels.

Discussion of historical survey of 901 Melrose house: Council member Haverkamp spoke of Tim Weitzel’s historical survey of the 901 Melrose Avenue house. Weitzel is the former head of the Iowa Historical Preservation Commission. Weitzel indicated uncertainty regarding the age of the house and believes the house was built after 1910 and not in 1895.

Swisher Trust and Flaum house conservation: Council member Quezada stated the Swisher Trust has been selling assets in downtown Iowa City recently. Quezada recommended establishing a relationship with the trust administration to see if the city could purchase the Swisher parcel or they dedicate the land to park space.

Quezada recommends the city partner with a well-known conservation group to conserve the Flaum property, possibly moving the house to the Swisher tract. Council consensus for Quezada to contact the Burr Oak Conservation Trust.

MOTION by Lane, seconded by Haverkamp, to approve second consideration of Ordinance No. 208, amending the Zoning Ordinance (No. 79) to create a CH Commercial Hotel Zone that would establish a procedure for the property identified in the ordinance to be redeveloped as five-story hotel comprising no more than 140 rooms and associated amenities including lobby space: a restaurant, café, and/or bistro; meeting space; and a fitness center.

Attorney Ballard stated the ordinance had been amended since the council’s adoption of first consideration of Ordinance No. 208 on July 21, 2017, to adjust the hours of operation for the hotel.

REQUEST by Lane to withdraw his motion; question by Mayor for objections; objection by Zimmermann. **Motion not withdrawn.**

MOTION by Lane, seconded by Haverkamp, to withdraw motion for consideration of Ordinance No. 208. **Carried.**

Haverkamp - Aye	Lane - Aye
Maier - Aye	Quezada - Aye
Zimmermann- No	

MOTION by Lane, and seconded by Haverkamp, to suspend the requirement that a proposed ordinance be considered and voted upon for passage at two council meetings prior to the meeting at which it is to be finally passed. **Carried.**

Haverkamp - Aye	Lane - Aye
Maier - Aye	Quezada - Aye
Zimmermann- No	

MOTION by Haverkamp, seconded by Lane, to approve Ordinance No. 208, amending the Zoning Ordinance (No. 79) to create a CH Commercial Hotel Zone that would establish a procedure for the property identified in the ordinance to be redeveloped as five-story hotel comprising no more than 140 rooms and associated amenities including lobby space: a restaurant, café, and/or bistro; meeting space; and a fitness center. **Carried.**

Haverkamp - Aye	Lane - Aye
Maier - Aye	Quezada - Aye
Zimmermann- No	

Public Comments: Linda Levey, 44 Leamer Court and Mary Mathew Wilson, 308 Koser Avenue, addressed the council with their concerns.

Mayor’s Report: None.

MOTION by Haverkamp, seconded by Zimmermann, to approve Resolution No. 17-36, authorizing the mayor to sign and the clerk to attest an employment agreement with Kris Lyon to serve as Chief of Police for the City of University Heights. **Carried.**

Haverkamp - Aye Lane - Aye
 Maher - Aye Quezada - Aye
 Zimmermann- Aye

Legal Report: A written report was presented.

MOTION by Haverkamp, seconded by Quezada, to approve Resolution No. 17-37, concerning the application by the owners of 1250 Melrose Avenue for an exception pursuant to Ordinance 136(4) to the requirement that portable toilets be located so they are not visible from city streets. **Carried.**

Haverkamp - Aye Lane - Aye
 Maher - Aye Quezada - Aye
 Zimmermann- Aye

Clerk’s Report: A written report was presented.

Finance Report: None.

MOTION by Lane, seconded by Zimmermann, to approve Resolution No. 17-38, approving and adopting the IDOT Annual City Street Financial Report 7/1/16-6/30/17. **Carried.**

Haverkamp - Aye Lane - Aye
 Maher - Aye Quezada - Aye
 Zimmermann- Aye

Treasurer’s Report: A written report was presented. All bills presented, and amended, were approved for payment by **unanimous consent.**

**Warrants
 August 9, 2017 through September 12, 2017**

Name	Amount	Name	Amount
Kristofer Lyon	1,751.85	City of Iowa City	14,226.96
James Sandifer	1,342.43	Iowa Law Enforcement Academy	580.00
Levio Simcox	1,225.94	Johnson County Refuse, Inc.	1,921.50
Nathan Petersen	1,061.01	Johnson County Treasurer	924.00
Jakub Schmitz	1,119.64	UI Health Care EMS Learning Resources Cen	32.00
Treat America Dining	1,465.16	US Cellular	131.75
Treat America Dining	1,465.16	Westport Touchless Autowash	48.00
MidAmerican Energy	155.19	Select Safety Sales	145.18
Joshua Kite	376.51	IDCreator.com	21.99
Kristofer Lyon	1,893.17	Leff Law Firm, L.L.P.	20,621.30
Jacob Mussmann	274.11	Kristofer Lyon	45.96
Nathan Petersen	1,237.51	Kieck’s Career Apparel	4.00
James Sandifer	1,539.90	Nathan Petersen	344.91
Levio Simcox	1,154.11	Tim Weitzel	140.00
Jakub Schmitz	1,119.64	VISA	865.52
Christine Anderson	523.02	VISA	188.52
Lori Kimura	383.00	VISA	102.04
Paul Moore	50.00	Russ Boyer Construction	1,980.00
Verizon Wireless	1.21	Iowa City Press-Citizen	1,004.39
Joshua Kite	1,037.38	VIEVU	2,178.35
Kristofer Lyon	1,864.67	Brad Wiley	500.00
Jacob Mussmann	287.19	Mediacom	593.20
Nathan Petersen	1,304.43	Internal Revenue Service	2,917.12
Harold Plate	162.80	Internal Revenue Service	2,875.00
James Sandifer	1,339.34	Internal Revenue Service	213.36
Levio Simcox	1,190.53	IPERS	3,556.70
Jakub Schmitz	1,119.64	IPERS	168.61

One University Place South Condo Assoc.	433.58	Internal Revenue Service	3,112.94
Internet Navigator	24.95	Iowa Municipalities Workers' Compensation	968.00
Stan Laverman	600.00	MidAmerican Energy	63.75
Siders Development	1,350.00	MidAmerican Energy	32.10
Terry Goerd	2,250.00	MidAmerican Energy	33.38
Hawkeye Community College	3,400.00	MidAmerican Energy	452.44
Shive Hattery	7,260.86	L.L. Pelling Co., Inc.	230,103.76
CenturyLink	89.37		

General Fund - \$ 88,452.87 Road Use Tax - \$ 581.67 Employee Benefits Fund - \$ 13,811.73
Total Receipts \$ 30,994.79 Capital Fund- \$ 230,103.76 Total Warrants \$ 332,950.03

Sanitation: None.

Community Protection: A written report was presented by Police Chief Kris Lyon.

Streets and Sidewalks: City Engineer Bilskemper presented a written report.

eGovernment: A written report was presented.

MOTION at 9:02 p.m. by Haverkamp, seconded by Lane, to meet in closed session pursuant to Iowa Code Sec. 21.5(1)(c) to discuss strategy with counsel in matters in litigation where its disclosure would be likely to prejudice or disadvantage the position of the city and pursuant to Iowa Code Sec. 21.5(1)(h) to avoid disclosure of specific law enforcement matters, which if disclosed would facilitate disregard of requirements imposed by law. **Carried.**

Haverkamp - Aye Lane - Aye
Maher - Aye Quezada - Aye
Zimmermann- Aye

The Council then met in closed session. Regular session of the council meeting reconvened at 10:52 p.m.

MOTION by Haverkamp, seconded by Maher, to approve Resolution No. 17-40, authorizing payment of \$1,500.00, representing the city's deductible on its liability insurance policy, in full and complete settlement of pending litigation. **Carried.**

Haverkamp - Aye Lane - Aye
Maher - Aye Quezada - Aye
Zimmermann- Aye

Announcements: A special council meeting will be held September 18, 2017, at 7:00 pm. All tabled items will be discussed at this meeting.

The meeting was adjourned **by unanimous consent at 10:53 p.m.**

Attest: Christine Anderson, City Clerk

Approved: Louise A. From, Mayor