

UNIVERSITY HEIGHTS CITY COUNCIL

TUESDAY – OCTOBER 10, 2000

7:00 P.M.

AT

**CITY OF UNIVERSITY HEIGHTS CITY OFFICE
1004 MELROSE AVENUE**

PUBLIC HEARING

To Consider Proposed Changes to the Zoning Ordinance:

- A. Permitting Restaurants in the Business Zone**
- B. Limiting Heights of Structures**

AGENDA

Call to Order.

Minutes of September.

Other Business: Discussion Concerning University Athletic Club Subdivision Berm

Public Input.

Treasurer's Report. Payment of Bills.

Mayor's Report.

Clerk's Report.

Legal Report.

Engineer's Report.

Police Report.

Committee Reports: Finance
 Building, Zoning and Sanitation
 Fire and Police
 Street and Sidewalks
 JCCOG

Next Meeting: November 14, 2000

Gloria Jacobson, Mayor

Telephone: 338-3489

**October 10, 2000
Public Hearing**

Mayor Jacobson called to order a public hearing of the Council at 7:00 p.m.

Present: Mayor Jacobson; Council Members From, Gay, Jones, Martin, Schoenmaker; Attorney Ballard; Chad Lambi, Shive-Hattery Engineers & Architects; Treasurer Reitz; Clerk Birk.

Others Present: Paul Moore; Lenny Robles, The Moveable Feast; Pat Bauer, Zoning Commission chairman; Del Richards; Brennan McGrath; Alan Otlenhemer.

Absent: None.

Council first discussed changing the Zoning Ordinance to restrict the height of structures. Attorney Ballard stated that the Zoning Commission discussed this at a meeting on September 19, 2000. Ordinance 79, which regulates the height of structures, would still limit the height of any building to less than 35 feet. The change to this ordinance would exempt towers, spires, steeples and chimneys from this requirement only to the extent that they are appended to the building and serve only that building. No comment was received from the public. The issue of ham radio towers as independent structures was discussed, and it was decided that if this ordinance caused a hardship to someone, the ordinance could be amended at that time. It has not created a problem since the law has been in effect. The Commission unanimously voted to recommend that Council approve the language as presented.

The next item in the Public Hearing concerned changing the Zoning Ordinance to permit restaurants in the Business Zone. The Zoning Commission heard from Paul Moore, the owner of the building, and Lenny Robles of The Moveable Feast as to his intentions and the steps he has taken to assure compliance with statutes and regulations. Members of the public who support this change were also present. Attorney Ballard said that he advised the Commission to focus on the issue of whether the land use regulation should change to permit this part of town to be used as a restaurant regardless of whether the present structure was suitable for that purpose. Based upon the information presented, the Zoning Commission unanimously voted to recommend to Council that the Zoning Ordinance be changed to allow restaurants in the Business Zone.

Lenny Robles said that he wished to expand his business to offer dinner service several nights per week, starting with just Friday and Saturday, excluding football weekends. He has been serving lunch, but did not allow the consumption of alcohol. Some issues that he has discussed with Paul Moore, owner of the property, are: changing the zoning so as to permit restaurants, the occupancy (the Building Inspector determined that this is 36), parking (his lease gives him 10 spaces now and he would be operating at a time when none of the other businesses in that location were open), and lighting, which is ample. He would seek approval of a license to serve beer and wine on the premises. He would not serve hard alcohol as this does not fit with his type of service or clientele. On football Saturdays his plan is to sell beer and food for consumption outside as he presently does. He distributed letters from the Department of Health, stating that all requirements had been met, and from the Coralville Fire Chief that said inspection shows that everything is in compliance as regards fire protection. He presented a list of local residents who signed a petition in support of a restaurant in that location. He thinks a restaurant would be an asset to the City. Concerning accessibility, he has not had any problem accommodating persons with disabilities. The bathroom is in the basement, but as he is not doing major renovation he does not feel that it is feasible or necessary to provide any other bathroom facilities.

Paul Moore, owner of the building, said that it may be possible to make the rental space at 1006 Melrose into a restaurant if all the legal items and rules by governing agencies can be met. It would be a major change in the usage of the property. The present lease would need to be changed if Council approves the zoning change. He wants documents from The Moveable Feast, governing bodies, and agencies showing how this change can be made to comply with current laws. Due to the slope of the parking lot it would not be feasible to put handicap parking near the door; there is a handicap space at 1004 on Melrose Avenue.

On behalf of the Zoning Commission, Chair Pat Bauer said that the Commission was in favor of the zoning change.

Mr. Robles said that the restaurant would be non-smoking. He would start with serving on Friday and Saturday nights and can't conceive being open more than 4 to 5 nights a week.

Attorney Ballard noted that what was being proposed was a change in the regulations governing the use of the Business Zone and to keep in mind that different owners and proprietors could have different intentions than those presented. He said that some of the issues discussed were landlord-tenant issues, not Council issues. Council has to be responsible for enforcing the building code and approving liquor licenses.

Mr. Moore said that he and Mr. Robles were working together and would come to the next Council meeting with an update and application for on-premises consumption. The purpose of this meeting was to see if Council was in favor of the use change before proceeding.

Upon motion the Public Hearing was adjourned at 8:08 p.m.

Approved _____
Gloria N. Jacobson, Mayor

Attest _____
Patricia Birk, Clerk

NOTE: Minutes subject to approval and corrections.

October 10, 2000

Mayor Jacobson called to order a regular meeting of the Council at 8:09 p.m.

Present: Mayor Jacobson; Council Members From, Gay, Jones, Martin, Schoenmaker; Attorney Ballard; Chad Lambi, Shive-Hattery Engineers & Architects; Treasurer Reitz; Clerk Birk.

Others Present: Paul Moore; Lenny Robles, The Moveable Feast; Pat Bauer, Zoning Commission chairman; Del Richards; Steve Smith, Johnson County Refuse; Bernie Mauch, University Athletic Club; Brennan McGrath; Alan Otlenhemer; Police Officer Brian Shimon

Absent: Police Chief McDonald.

ALL VOTES UNANIMOUS UNLESS OTHERWISE STATED.

MOTION by Martin, second by Jones, to approve the minutes, as corrected, of the regular meeting in September.

Carried.

OTHER BUSINESS: Council proceeded to vote on the changes to the Zoning Ordinance.

MOTION by Martin, second by Jones, to suspend the requirement that an ordinance be read three times before being passed.

The roll was called and the vote was:

AYES:	NAYS:	ABSENT:	
X			From
X			Gay
X			Jones
X			Martin
X			Schoenmaker

Passed and approved this 10th day of October 2000.

MOTION by From, second by Jones, to adopt the recommendation of the Zoning Commission to permit property in the Business Zone to be used for restaurants.

The roll was called and the vote was:

AYES:	NAYS:	ABSENT:	
X			From
X			Gay
X			Jones
X			Martin
X			Schoenmaker

Passed and approved this 10th day of October 2000.

MOTION by Jones, second by Martin, to suspend the requirement that an ordinance be read three times before being passed.

The roll was called and the vote was:

AYES:	NAYS:	ABSENT:	
X			From
X			Gay
X			Jones
X			Martin
X			Schoenmaker

Passed and approved this 10th day of October 2000.

MOTION by Jones, second by From, to adopt the recommendation of the Zoning Commission limiting the height of structures.

The roll was called and the vote was:

AYES:	NAYS:	ABSENT:	
X			From
X			Gay
X			Jones
X			Martin
X			Schoenmaker

Passed and approved this 10th day of October 2000.

Next was discussion of the berm at the University Athletic Club subdivision. Bernie Mauch of the Athletic Club explained that the berm was built to shield the subdivision from the noise and lights of the Club parking lot. It is a landscaping project, and was not shown on the plans. It is 7 feet high, and expected to settle 1 foot. It has been planted in wildflowers. Pat Bauer, chairman of the Zoning Commission, said that the Commission was concerned about the proximity of the lots to the parking lot and were assured that it would not be a problem. If a berm was planned, this information was not shared with the Commission and not shown on any plans. He, like other Commission Members and Council Members, thought the dirt was topsoil that was being saved back. Mr. Mauch said that the berm was an idea that came later and did not think it would be an issue. Attorney Ballard said that there are provisions in the building code concerning grade restrictions, erosion, and a host of other things. The person who buys the lot and applies for a building permit will have a problem when the Building Inspector tells them the lot is not in compliance with the building code. If the berm had been shown on the plans, Council would have known that it was not in compliance. Council Member Jones said that the berm was a permanent earthen structure that was not shown on the plans and should be taken out. Council has not been asked to approve the public improvements to the subdivision, which must be addressed before the lots are marketed. Mayor Jacobson said that Council needed to decide what they expect the property owners to do and that the City Attorney and Engineer need to relate the procedures required for closure. Engineer Lambi said during the street construction process there was a lot of discussion by all parties involved and everything was clear. He feels if there is a violation, it is that it wasn't shown on the plans. If it was thought of afterward, it should have been shown, presented and followed. As far as landscaping berms are concerned it is usually

desirable to have screening between commercial and residential zones, but a typical landscape berm is about three feet high which is sufficient to screen headlights. University Heights is responsible for approval of grading, condition of the pavement, and other visible components. Attorney Ballard said that as things presently exist, he and Engineer Lambi would be unable to recommend approval of the subdivision improvements. Mr. Mauch asked about having a stone wall. He was told to submit a plan; Engineer Lambi recommended he use the services of a landscape architect.

Steve Smith of Johnson County Refuse showed Council Members a plastic container for salt and sand that he would use to replace the 55 gallon barrels presently used. They will be placed in areas where motorists have access to them. He said that he was meeting with Engineer Lambi within the next few weeks to discuss plowing boundaries and other issues that need to be worked out.

Mayor Jacobson reported that she had several calls saying that it was difficult to peel the back off the yard waste stickers. Council Member From reported that Johnson County dispatching had been notified that Steve Smith would be doing snow removal for University Heights this year.

Paul Moore said that in past years the snow plowed from the bridge gets deposited along the parking in front of his building. When they clear their sidewalks they try to throw in on the grass and out of the way. If there is a lot of snow and ice to move, could Steve Smith could keep it cleared out. He observed that the weight limit sign near the bridge is no longer reflective. One picnic table has been repaired.

TREASURER'S REPORT: Treasurer Reitz distributed the report for September. She talked to personnel at nine local banks to determine a good interest rate for City funds. There is \$35,000 now in a low-interest bearing savings account, two checking accounts and four CDs. Council discussed different ways to obtain a good return without making the Treasurer's job burdensome. Council directed Treasurer Reitz to find the best rate for the CDs as they mature, to choose the best interest-bearing account for the \$35,000, and to report the status of the accounts to Council every six months.

MOTION by Martin, second by Jones for payment of all the bills.

Carried.

WARRANTS – SEPTEMBER

Num	Name	Memo	Amount
12224	Paul J. Moore, Melrose Avenue Building	Gen:P&A:Rent	-650.00
12214	Void	VOID:	0.00
12213	Void	VOID:	0.00
12231	Void	VOID:	0.00
DEBIT	ISB&T	Debit different bank customer's deposit amount	-212.09
12200	Johnson County Treasurer	Gen:CP:Sheriff/Radio contract	-1,666.25
12201	Grandview Court Apartments	Gen:CP:Garage Rental	-630.00
12202	McLeod USA	Gen:P&A:Phone	-162.82
12203	City of Iowa City	Gen:P&A:Water/HD Park water	-23.17
12204	City of Iowa City	Gen:HCE:Bus service	-4,568.50
12206	Phillips 66 Company	Gen:CP:Vehicle Maintenance	-24.00
12207	Shive Hattery	Gen:HCE:Engineering Fees	-4,323.85
12208	Melanie Justice	Gen:HD:Library Card Reimbursement	-75.00

12209	Anne Wallace	Gen:HD:Library Card Reimbursement	-75.00
12210	Mary Helen Martin	Gen:HD:Library Card Reimbursement	-75.00
12211	Elaine Hovet	Gen:HD:Library Card Reimbursement	-75.00
12212	Mary Noel	Gen:HD:library card reimbursement	-75.00
12205	McDonald, Robert F.	Gen:CP:Galls - Uniform Allowance	-8.75
12226	Carol Howard	Gen:HD:Library Card Reimbursement	-75.00
12227	U.S. Cellular	Gen:CP:cell phone	-96.73
12228	Johnson County Refuse	Gen:HCE-Trash/Recycling	-1,350.00
12229	MidAmerican Energy	Gen:P&A/CP:Utilities/SR:CP:Utilities	-910.79
12230	Reitz, Sharyn H.	Gen:P&A Treasurer supplies	-350.62
12232	John Beck	Gen:CP:Curb numbering	-2,677.50
12233	Wellmark BC/BS	Gen:CP:Health Insurance	-1,242.60
12234	Westport Touchless Autowash	Gen:CP:Vehicle Maintenance	-28.00
12235	Iowa City Press-Citizen	Gen:P&A:Publications	-106.43
12236	Shimon, Brian S.	Gen:CP:Kieck's - Uniform Allowance	-120.00
12237	Iowa League of Cities	Gen:P&A:Dues	-453.00
12238	Reitz, Sharyn H.	Gen:P&A:Fin. Repts	-21.24
12239	Wellmark BC/BS	Gen:CP:Health Insurance Admin Fee	-200.00
12240	Johnson County Jail	VOID: Gen:CP:County Jail Fee	0.00
12242	Leff, Hauptert, Traw & Willman, L.L.P.	Gen:P&A:Legal Fees	-8,428.75
12241	Void	VOID:	0.00
12243	Birk, Patricia	Gen:P&A:Supplies & Equipment	-68.44
12244	McCune, Garry W.	Gen:CP:Uniform Allowance - flashlight	-96.21
12246	Prosecuting Attorney's Training Coordinat	Gen:CP: Training	-75.00
DEBIT	ISB&T	DEBIT:Gen:Bad Check	-8.00
12247	Secretary of State, Iowa	Gen:CP&P&A:Notary Fees	-120.00
12248	TREASURER STATE OF IOWA	Gen:CP:Training	-110.00
12265	Secretary of State, Iowa	Gen:P&A:Notary Fees:Jacobson	-30.00
12249	Birk, Patricia	Gen:P&A:Payroll	-210.71
12250	From, Louise A.	Gen:P&A:Payroll	-184.14
12251	Gay, William W.	Gen:P&A:Payroll	-184.14
12252	Jacobson, Gloria N.	Gen:P&A:Payroll	-453.16
12253	Jones, Martin L.	Gen:P&A:Payroll	-184.14
12254	Martin, Richard C.	Gen:P&A:Payroll	-184.14
12255	Schoenmaker, Adrian	Gen:P&A:Payroll	-184.51
12256	McCune, Garry W.	Gen:CP:Police Payroll	-1,961.03
12257	Stange, Steven R.	Gen:CP: Police Payroll	-381.85
12258	McDonald, Robert F.	Gen:CP:Police Payroll	-2,315.07
12259	Shimon, Brian S.	Gen:CP:Police Payroll	-1,326.99
12261	IOWA WORKFORCE DEVELOPMENT	107319-6 Payroll Liabilities	-16.94
12260	Reitz, Sharyn H.	Gen:P&A:Payroll	-595.73
12262	IOWA STATE BANK & TRUST CO	42-1109342 Payroll Liabilities	-2,590.82
12263	TREASURER STATE OF IOWA	42-1109342-001 Payroll Liabilities	-361.00
12264	IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM	Gen: Payroll Liabilities	-1,396.82

INCOME

General - \$20,262.24 Debt Service - \$2,632.11 Special Revenue - \$7,282.52 Total - \$31,176.87

MAYOR'S REPORT: Mayor Jacobson publicly congratulated Attorney Ballard on the birth of his daughter. She reminded Council Members of the upcoming Johnson County small cities

meeting. She asked Attorney Ballard to reiterate the selling policy and advertising on lawns policy. Attorney Ballard said that the rule for residential areas was that only items produced as part of a home occupation and made with material commonly associated with the home can be sold from the property. He gave the example that selling cookies was OK and selling Watkins products was not. Concerning signage, political posters and advertising must not be in the parking area, and can be placed on lawns if the property owner gives permission. Mayor Jacobson has received many calls complaining about cats. The Newsletter emphasizes the ordinance about cats. Council Member Gay will investigate ways to deal with this animal control problem.

A “no parking” sign was placed in the front yard of a residence on Mahaska Court. It was recommended that the sign be moved closer to the corner.

Mayor Jacobson participated in a panel at St. Andrew Church on “Faith in Public Life” with Ernie Lehman and Steve Atkins of Iowa City.

Mayor Jacobson revisited the response to a poll in 1992 which precipitated the burning ordinance. A majority of residents wanted burning allowed.

CLERK’S REPORT: The street finance report was mailed and the acknowledgement received. Three building permits were issued. A list of trees in the parking that appear to be dead was made. No action will be taken at this time, and this could be a budget item next year. Several requests for rental housing applications were received. Attorney Ballard will send a supply. Treasurer Reitz is now providing the list of warrants as a computer file.

ENGINEER’S REPORT: Street improvements are underway. The line painting has been completed except for the street parking area on Melrose Avenue. About ten traffic signs were replaced. A permit was granted to Ace Electric to run phone and cable lines under Glencrest. There is a \$25 fee and a \$1000 maintenance bond for this work. Engineer Lambi expects to receive a set plans from Coralville for the new forced main along the railroad tracks. The current location is on the University Heights’ side of the tracks. The new main will be on the east side of the tracks.

POLICE REPORT: In the absence of Chief McDonald, Police Officer Shimon gave the police report for the month. All officers, the city clerk, and Mayor are now notaries publics. Chief McDonald and Officer McCune attended a class on “Search and Seizure” The stop sign at Olive and Melrose has lost its reflective ability. The police officers would like a TV and VCR in order to do in-house training.

COMMITTEE REPORTS:

BUILDING, ZONING & SANITATION: The Fall Newsletter has been printed and distributed to all residents. If Council Members had the list of the non-resident property owners it would be easier for them to watch for violations. Jim Dauber, sixth grade teacher at Horn School, phoned Council Member From seeking assistance for paper recycling. Steve Smith of Johnson County Refuse offered to provide bins and pick up the material at no cost to the City. During the time it will take for his new telephone number to be activated, calls to Steve Smith are being forwarded to his cell phone.

FIRE AND POLICE: Council Member Gay recommended the purchase of a TV and VCR for police training.

MOTION by Gay, second by Jones, to spend up to \$200 from the equipment budget for a TV and VCR.

Carried.

The firm administrating the health insurance benefits asks that Council adopt a resolution that permits the Mayor to sign documents formally approving the plan.

MOTION by Gay, second by Jones, to adopt the resolution approving the cafeteria plan for health insurance benefits.

Carried.

STREET AND SIDEWALKS: Council Member Schoenmaker asked about the timetable for budget preparation. He will meet with Engineer Lambi to discuss projects for next year.

JCCOG: On October 18 at 5:30 p.m. there will be a nuclear release civil defense drill at West High. He said that anyone who could go, should.

Upon motion the Council adjourned at 10:25 p.m.

Approved _____
Gloria N. Jacobson, Mayor

Attest _____
Patricia Birk, Clerk

NOTE: Minutes subject to approval and corrections.