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COMPLETE DESCRIPTION OF COUNCIL ACTIVITIES
FEBRUARY 16, 2010

Iowa City City Council regular meeting, 7:00 p.m. at City Hall. Mayor Hayek presiding. Council Members present: Bailey, Champion, Dickens, Hayek, Mims, Wilburn, Wright. Staff members present: Helling, Dilkes, Karr, Fosse, Davidson, Knoche.

The Mayor presented Outstanding Student Citizenship Awards to Regina Elementary School students: Tom Pugh, Lauren Ronnfeldt, and Michael Sueppel.

The Mayor proclaimed Peace Corps Week March 1-7, 2010. UI Campus Peace Corps Representative Fran Boyken accepted.

The Mayor delivered the State of the City Address.

Moved by Champion, seconded by Wright, that the following items and recommendations in the Consent Calendar be received, or approved, and/or adopted as presented:

Approval of Council Actions, subject to corrections, as recommended by the City Clerk: January 25, Special Council Work Session; January 25, Special Council Formal Official and Complete; February 1, Special Council Formal Official and Complete; February 1, Regular Council Work Session; February 2, Special Council Formal Official and Complete.

Receive and File Minutes of Boards and Commissions (any recommendations contained in minutes become effective only upon separate Council action).

Telecommunications Commission - November 23, 2009; Senior Center Commission - December 17, 2009; Housing and Community Development Commission - December 3, 2009; Planning and Zoning Commission - January 21, 2010.

Permit Motions and Resolutions as Recommended by the City Clerk. New: Class C Liquor License for Oscar German, dba Sidelines Bar and Grill, 320 E. Burlington St.; Class C Liquor License for Etre Plaza Towers Restaurant, dba Formosa, 221 E. College St.

Renewal: Class C Liquor License for One Poor Student, Inc., dba One-Eyed Jakes, 18-20 S. Clinton St.; Class C Beer Permit for Kelly Stucker, dba Convenience Store, 106 S. Linn St.; Special Class C Liquor License for W & M, LLC dba Thai Flavors, 340 E. Burlington St.; Class C Liquor License for Motif, Ltd., dba Bo-James, 118 E. Washington St.; Class C Liquor License for Brothers of Iowa City, Inc., dba It's Brothers Bar & Grill, 125 S. Dubuque St.; Class C Liquor License for El Ranchero, Inc., dba El Ranchero Mexican Restaurant, 21 Sturgis Corner Dr.; Class E Liquor License for Hy-Vee, Inc., dba Hy-Vee #3, 1201 N. Dodge St.; RES. 10-36, TO ISSUE DANCE PERMITS to Oscar German, dba Sidelines Bar and Grill, 320 E. Burlington St. and Brothers of Iowa City, Inc., dba It's Brothers Bar & Grill, 125 S. Dubuque St.

Public Hearings: RES. 10-37, FIXING DATE FOR A MEETING ON THE AUTHORIZATION OF A LOAN AGREEMENT AND THE ISSUANCE OF NOT TO EXCEED \$17,750,000 SEWER REVENUE REFUNDING CAPITAL LOAN NOTES, SERIES 2010, OF THE CITY OF IOWA CITY, STATE OF IOWA, AND PROVIDING FOR PUBLICATION OF NOTICE THEREOF; RES. 10-38, SETTING A PUBLIC

HEARING ON MARCH 2, 2010 ON PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST FOR THE CONSTRUCTION OF THE EAST SIDE RECYCLING CENTER PROJECT, DIRECTING CITY CLERK TO PUBLISH NOTICE OF SAID HEARING, AND DIRECTING THE CITY ENGINEER TO PLACE SAID PLANS ON FILE FOR PUBLIC INSPECTION; RES. 10-39, AUTHORIZING MAILING AND PUBLICATION OF NOTICE OF INTENT TO COMMENCE PUBLIC IMPROVEMENT PROJECT TO CONSTRUCT THE 2010 SIDEWALK INFILL PROJECT AND TO ACQUIRE PROPERTY FOR THE PROJECT; AND SETTING DATE OF PUBLIC HEARING FOR MARCH 23, 2010.

Resolutions: RES. 10-40, ACCEPTING THE WORK FOR THE PUBLIC WORKS SALT STORAGE FACILITY PROJECT; RES. 10-41, AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST A RENEWAL OF A LICENSE AGREEMENT FOR TEMPORARY USE OF PUBLIC RIGHT-OF-WAY BETWEEN THE CITY OF IOWA CITY, LANDOWNER WILLIAM AND HELEN BYINGTON, AND TENANT LITTLE DONKEYS, INC. D/B/A PANCHERO'S MEXICAN GRILL, FOR A SIDEWALK CAFE.

Correspondence: Al Wells regarding Local News; Highway 1 Sidewalk Project letters from Katherine Parker Bryden, Paula Swygard; James and Shirley Knapp(X2) regarding Ralston Creek; John and Lauren Naeve regarding Greater Iowa City Housing Fellowship to provide low income housing rentals in Olde Towne Village- petition enclosed; Keene and Joan Swett regarding Public water fluoridation; Roger Bradley regarding Taxicab ordinance; Libris Fidelis regarding Sanctuary City; Russell Haught regarding Raises and property taxes; Nancy Hitchon regarding Landfill [staff response included]; Vincent Jiles regarding Request for an Appeal on Iowa City Curfew Ordinance [staff response included]; Karen Kubby regarding Hurray for Transit Drivers; Voldemars Pelds regarding Moss Green Urban Village [staff memorandum included].

The Mayor repeated the public hearings as set. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the motion carried.

Jerry Graber, 1673 Hwy 2, Donnellson, appeared requesting Council review their present ordinance prohibiting redeeming gaming tickets for alcohol. Mayor Hayek reported that the Council had decided to talk about the issue at an upcoming work session.

Moved by Bailey, seconded by Mims, to set a public hearing for March 2 on an ordinance conditionally rezoning 5.05-acres of land located at Mormon Trek Boulevard south of Eagle View Drive from Commercial Office (CO-1) to Intensive Commercial (CI-1) (REZ09-00011 / Billion). The Mayor declared the motion carried unanimously, 7/0, all Council Members present.

A public hearing was held on a resolution amending the Comprehensive Plan to adjust the long-range planning growth area boundary to include approximately 132 acres of land proposed for annexation near the intersection of Highway 1 and Interstate 80 (Moss Green Development Corporation). PCD Dir. Davidson present for discussion.

Moved by Champion, seconded by Bailey, to adopt RES. 10-42, AMENDING THE COMPREHENSIVE PLAN TO ADJUST THE LONG-RANGE PLANNING GROWTH AREA BOUNDARY TO INCLUDE APPROXIMATELY 132 ACRES OF LAND PROPOSED FOR ANNEXATION NEAR THE INTERSECTION OF HIGHWAY 1 AND INTERSTATE 80 (Moss

Green Development Corporation). Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the resolution adopted.

A public hearing was held on a resolution for a voluntary annexation of approximately 132 acres of land near the intersection of Highway 1 and Interstate 80 (ANN09-00001 / Moss Green Development Corporation). PCD Dir. Davidson present for discussion.

Moved by Bailey, seconded by Mims, to adopt RES. 10-43, FOR A VOLUNTARY ANNEXATION OF APPROXIMATELY 132 ACRES OF LAND NEAR THE INTERSECTION OF HIGHWAY 1 AND INTERSTATE 80 (ANN09-00001 / Moss Green Development Corporation). Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the resolution adopted.

A public hearing was held on an ordinance rezoning approximately 132 acres of land from County Agricultural (C-AG) Zone to Interim Development – Research Park (ID-ORP) Zone for property located near the intersection of Highway 1 and Interstate 80 (REZ09-00006 / Moss Green Development Corporation).

Moved by Bailey, seconded by Mims, that the ordinance rezoning approximately 132 acres of land from County Agricultural (C-AG) Zone to Interim Development – Research Park (ID-ORP) Zone for property located near the intersection of Highway 1 and Interstate 80 (REZ09-00006), be given first vote. The Mayor asked Council Members to disclose any ex parte communications, and none were reported. Wally Pelds, Pelds Engineering Company & Eco-4, appeared. Individual Council Members expressed their views. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the motion carried.

A public hearing was held to discuss the proposed operating budget for the fiscal year July 1, 2010, through June 30, 2011, the Proposed Three-Year Financial Plan for FY2011 – 2013, and also the Multi-Year Capital Improvements Program through fiscal year 2014. No one appeared. The Mayor noted the resolution adopting the budget would be considered at the March 2 meeting.

Moved by Wilburn, seconded by Champion, that the rule requiring ordinances to be considered and voted on for final passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, the second consideration and vote be waived, and that ORD. 10-4382, AMENDING TITLE 12, ENTITLED “FRANCHISES”, SECTIONS 12-5-1 ENTITLED “ELECTRIC FRANCHISE FEE” AND 12-5-2 ENTITLED “GAS FRANCHISE FEE” TO REPEAL THE TWO PERCENT (2%) FRANCHISE FEE AND ENACT A ONE PERCENT (1%) FRANCHISE FEE ON THE GROSS REVENUE OF THE FRANCHISEE MIDAMERICAN ENERGY COMPANY DERIVED FROM THE DISTRIBUTION AND RETAIL SALE OF ELECTRICITY AND THE DISTRIBUTION, DELIVERY AND RETAIL SALE OF NATURAL GAS BY MIDAMERICAN, OR OTHER NATURAL GAS PROVIDERS UTILIZING THE DISTRIBUTION SYSTEM OF MIDAMERICAN, TO CUSTOMERS WITHIN THE CURRENT OR FUTURE CORPORATE LIMITS OF THE CITY OF IOWA CITY, be voted on for final passage at this time. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the motion carried. Moved by Wilburn, seconded by Champion, that the ordinance be finally adopted at this time. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the ordinance adopted.

Moved by Wilburn, seconded by Bailey, that the rule requiring ordinances to be considered and voted on for final passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, the second consideration and vote be waived,

and that the ordinance amending Title 5, entitled "Business and License Regulations," Chapter 2, entitled "Taxicabs," to prohibit electronic signs on taxicabs and to clarify vehicle inspection requirements, be voted on for final passage at this time. The following individuals appeared from Five Stars Taxi: Teresa Bennett, Yasser Gaber, and Hatem Moustafa. After discussion the Mayor declared the motion defeated, 4/3 (extra majority required to waive reading), with the following division of roll call vote: Ayes: Bailey, Champion, Hayek, Wilburn. Nays: Wright, Dickens, Mims. Moved by Bailey, seconded by Wilburn, that the ordinance amending Title 5, entitled "Business and License Regulations," Chapter 2, entitled "Taxicabs," to prohibit electronic signs on taxicabs and to clarify vehicle inspection requirements, be given second vote. The Mayor declared the motion carried, 4/3, with the following division of roll call vote: Ayes: Hayek, Wilburn, Bailey, Champion. Nays: Wright, Mims, Dickens.

Moved by Wilburn, seconded by Bailey, to adopt RES. 10-45, ADOPTING THE IOWA CITY 2010 HAZARD MITIGATION PLAN. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the resolution adopted.

Moved by Wright, seconded by Dickens, to adopt RES. 10-45, ADOPTING AN ASSESSMENT SCHEDULE OF UNPAID MOWING, CLEAN-UP OF PROPERTY, SNOW REMOVAL, SIDEWALK REPAIR, AND STOP BOX REPAIR CHARGES AND DIRECTING THE CLERK TO CERTIFY THE SAME TO THE JOHNSON COUNTY TREASURER FOR COLLECTION IN THE SAME MANNER AS PROPERTY TAXES, as amended. The following individuals appeared: Keith Yenter, 734 Oakland Ave., and Sara Sullivan, 1555 Tracy Lane. Moved by Wilburn, seconded by Wright, to accept Court Order granting application for additional relief for property located at 734 Oakland Ave. and 829 Kirkwood Ave. from the City Attorney; and a copy of a photograph from Sara Sullivan. The Mayor declared the motion carried unanimously, 7/0, all Council Members present. After discussion, moved by Wright, seconded by Bailey, to remove 734 Oakland Ave. and 1555 Tracy Lane from the assessment schedule and defer consideration to March 2 to allow staff to provide additional information. The Mayor declared the motion to amend carried unanimously, 7/0, all Council Members present. Affirmative roll call vote unanimous on the resolution as amended, 7/0, all Council Members present. The Mayor declared the resolution adopted. Helen Rochart appeared regarding the procedure for providing additional information on March 2. The City Clerk explained that any correspondence received prior to the Thursday packet printing will be distributed with the packet; correspondence received later will be handed out at the meeting.

Moved by Wright, seconded by Bailey, to approve a tentative agreement between the City of Iowa City and the Iowa City Association of Professional Firefighters. The Mayor declared the motion carried unanimously, 7/0, all Council Members present.

Moved by Bailey, seconded by Dickens, to approve a tentative agreement between the City of Iowa City and the Police Labor Relations Organization of Iowa City. The Mayor declared the motion carried unanimously, 7/0, all Council Members present.

Moved by Mims, seconded by Bailey, to approve a motion to approve a tentative agreement between the City of Iowa City and the American Federation of State, County and Municipal Employees Local #183. The Mayor declared the motion carried unanimously, 7/0, all Council Members present.

Moved by Champion, seconded by Wright, to adopt RES. 10-46, REPEALING RESOLUTION NO. 01-169. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the resolution adopted.

Moved by Bailey, seconded by Wright, to adopt RES. 10-47, ESTABLISHING A RULE FOR ELECTRONIC PARTICIPATION IN CITY COUNCIL MEETINGS. The Mayor declared the resolution adopted, 6/1, with the following division of roll call vote. Ayes: Dickens, Hayek, Mims, Wilburn, Wright, Bailey. Nays: Champion. The Mayor declared the resolution adopted.

Moved by Bailey, seconded by Dickens, to appoint Susan Mims to the JCCOG - ECICOG Assessment Structure Committee. The Mayor declared the motion carried unanimously, 7/0, all Council Members present.

The Mayor noted the previously announced vacancies on Boards and Commissions: Airport Commission to fill a four-year term March 1, 2010 – March 1, 2014; Civil Service Commission – One vacancy to fill a four-year term April 5, 2010 – April 7, 2014; Historic Preservation Commission for three vacancies, (1) At-Large, (1) Summit St representative, and (1) Brown St representative, to fill three-year terms March 29, 2010 – March 29, 2013; Telecommunications Commission to fill three-year terms March 13, 2010 – March 13, 2013. Applications must be received by 5:00 p.m., Wednesday, February 17, 2010; Airport Zoning Brd of Adjustment to fill an unexpired term, effective upon appointment, plus a five-year term January 1, 2007 - December 31, 2011; Airport Zoning Brd of Adjustment to fill a five-year term January 1, 2009 - December 31, 2013; Airport Zoning Commission – One vacancy to fill a six-year term January 1, 2006 – December 31, 2011; Airport Zoning Commission to fill a six-year term January 1, 2010 – December 31, 2015; Appeals, Board of to fill a five-year term January 1, 2009 – December 31, 2013, for a Mechanical Professional; Police Citizens Review Board to fill an unexpired term, effective upon appointment, ending September 1, 2012; Youth Advisory Commission to fill a two-year term. January 1, 2009 – December 31, 2010, Tate High; Youth Advisory Commission to fill a two-year term January 1, 2010 – December 31, 2011, Regina High. Applications must be received by 5:00 p.m., Wednesday, February 24, 2010; JCCOG Cool Cities Taskforce, At-Large, to fill a one-year term, effective upon appointment, ending March, 2011. Applications must be received by 5:00 p.m., Wednesday, March 17, 2010. Youth Advisory Commission, unexpired term, effective upon appointment, ending December 31, 2011, At-Large. Applications must be received by 5:00 p.m., Wednesday, March 31, 2010. Moved by Champion, seconded by Wilburn, to accept correspondence from Arianna Aron included in Council packet. The Mayor declared the motion carried unanimously, 7/0, all Council Members present. Applicants MUST reside in Iowa City and be 18 years of age unless specific qualifications are stated. [Staff will not publish additional notices after a period of six publications; but will continue to advertise vacancies with postings and on the Council agenda. However, no additional publication costs will be incurred.]

Council Member Mims stated she will be representing the Mayor and Council at the Great Places signing event in Des Moines on the 17th.

Council Member Wright reminded everyone of the Shelter House Book Sale at the United Methodist Church on February 27th.

Council Member Bailey updated Council on UNESCO (City of Literature) by announcing the hiring of an Executive Director for the City of Literature, Janet Pilak, who will

be on board April 1; a book festival planned for the week-end of July 16th; and Day of the Book event planned for April 23rd.

Mayor Pro tem Wilburn thanked the Trinity Episcopal Church for their recommitment to staying downtown and the redesign of the new building to include a LEED certification.

Council Member Dickens reported on the University of Iowa Obermann Center Graduate Institute public poster session held February 12; encouraged everyone to vote for the Iowa Children's Museum in the Refresh Pepsi project; and thanked Mayor Hayek on his State of the City address.

Mayor Hayek reported on his meeting with the University Provost and others relating to a partnership for alcohol safety with the University and will keep the Council apprised; and reminded everyone of the Chamber banquet on February 18.

Moved by Wilburn, seconded by Mims, to adjourn meeting back to work session 8:35 p.m. The Mayor declared the motion carried unanimously, 7/0, all Council Members present.

Matthew J. Hayek, Mayor

Marian K. Karr, City Clerk