

Subject to change as finalized by the City Clerk. For a final official copy, contact the City Clerk's Office 356-5040.

COMPLETE DESCRIPTION OF COUNCIL ACTIVITIES
AUGUST 17, 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 (7:34 PM), Wright. Absent: None. Staff members present: Helling, Dilkes, Karr, Moran, Knoche, Davidson, Ream.

The Mayor proclaimed Get Moving for Healthy Kids Day – August 29, 2010, Colleen Davis accepting; Social Security–Go Green, Go Online, Going Strong at 75 Day–August 14, 2010.

The City Council presented a certificate of appreciation to Interim City Manager Dale Helling in recognition of his 35 years of service to the City.

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

Approval of Council Actions, subject to corrections, as recommended by the City Clerk: July 12, Special Council Work Session; July 12, 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): Historic Preservation Commission - June 10, 2010; Historic Preservation Commission - May 27, 2010; Board of Adjustment: June 9, 2010; Airport Commission - July 1, 2010; Airport Commission - June 17, 2010; Human Rights Commission - June 15, 2010; Parks and Recreation Commission - May 12, 2010; Senior Center Commission - June 17, 2010; Senior Center Commission - May 20, 2010; Youth Advisory Commission - April 12, 2010; Telecommunications Commission - June 26, 2010; Police Citizens Review Board - July 21, 2010; Police Citizens Review Board - July 13, 2010; Police Citizens Review Board - June 24, 2010; Police Citizens Review Board - May 11, 2010; Board of Appeals - May 3, 2010; Civil Service Commission - July 27, 2010.

Permit Motions and Resolutions as Recommended by the City Clerk.

New: Class C Liquor License for Oyama Sushi Ni's, Inc., dba Oyama Sushi, 1853 Lower Muscatine Rd.; Temporary 5- Day Class B Beer Permit for Iowa City Fall Fun Festival, Inc., dba Iowa City Fall Fun Festival Tent A, 2140 Rochester Avenue. (9/3/10 - 9/6/10); Temporary 5-Day Class B Beer Permit for Iowa City Fall Fun Festival, Inc., dba Iowa City Fall Fun Festival Tent B, 2140 Rochester Avenue. (9/3/10 - 9/6/10); Temporary Outdoor Service for Iowa City Fall Fun Festival, Inc., dba Iowa City Fall Fun Festival. 2140 Rochester Ave. (9/3/10 – 9/6/10). Renewal: Class C Liquor License for DTW, Inc., dba T.C.B., 114 E. College St.; Class E Liquor License for Hy-Vee, Inc., dba Hy-Vee Drugstore, 310 N. First Ave.; Class C Beer Permit for Delimart Properties, Inc., dba Deli Mart #1, 525 Hwy 1 W.; Class C Beer Permit for Delimart Properties, Inc., dba Deli Mart #2, 1920 Lower Muscatine Rd.; Class C Beer Permit for Delimart Properties, Inc., dba Deli Mart #3, 2410 Mormon Trek Blvd.; Class C Beer Permit for Delimart Properties, Inc., dba Deli Mart #5, 206 E. Benton St.; Class C Liquor License for Iowa City Aerie #695 Fraternal Order of Eagles, Inc., dba Fraternal Order of Eagles Iowa City Aerie #695, 225 Hwy 1 W.; Class C Liquor License for High Energy Food Concepts, Inc., dba Martini's, 127 E. College St.; Outdoor Service area for High Energy Food Concepts, Inc., dba Martini's, 127 E. College St.; Class C Beer Permit for Jason Caylor dba Liquor Downtown, 313 S. Gilbert

St.; Class C Liquor License for Orchard Green, Inc., dba Orchard Green Restaurant, 521 S. Gilbert St.

Class C Liquor License for Chackalackal, Inc., dba One Twenty Six, 126 E. Washington

St.; Class C Beer Permit for L & M Mighty Shop, Inc., dba L & M Mighty Shop, 504 E.

Burlington St.; Class C Beer Permit for IC Pit Stop, LLC, dba I.C. Pit Stop, 300 Kirkwood

Ave.; Class C Liquor License for Iowa City Fieldhouse Co. , Inc., dba Field House, 111 E.

College St.; Class C Liquor License for Chipotle Mexican Grill of Colorado, Inc., dba

Chipotle Mexican Grill, 201 S. Clinton Suite 112; Outdoor Service Area for Chipotle

Mexican Grill of Colorado, Inc., dba Chipotle Mexican Grill, 201 S. Clinton Suite 112;

Special Class C Liquor License for Englert Civic Theatre, LP, dba Englert Theatre, 221 E.

Washington St.; RES. 10-362, TO ISSUE DANCING PERMIT to Iowa City Aerie #695

Fraternal Order of Eagles, Inc., dba Fraternal Order of Eagles Iowa City Aerie #695, 225

Hwy 1 W.; Iowa City Fall Fun Festival, Inc., dba Iowa City Fall Fun Festival. 2140

Rochester Ave.; Iowa City Fieldhouse Co. , Inc., dba Field House, 111 E. College St.

Motion: Approve disbursements in the amount of \$23,205,240.13 for the period of June 1 through June 30, 2010, as recommended by the Finance Director subject to audit.

Resolutions: RES. 10-363, NAMING DEPOSITORIES; RES. 10-364, AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST TO A SUBORDINATION AGREEMENT BETWEEN THE CITY OF IOWA CITY AND UNIVERSITY OF IOWA COMMUNITY CREDIT UNION, IOWA CITY, IOWA FOR PROPERTY LOCATED AT 1026 FAIRCHILD STREET, IOWA CITY, IOWA; RES. 10-365, AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST TO A SUBORDINATION AGREEMENT BETWEEN THE CITY OF IOWA CITY AND UNIVERSITY OF IOWA COMMUNITY CREDIT UNION, IOWA CITY, IOWA FOR PROPERTY LOCATED AT 1931 CHELSEA COURT, IOWA CITY, IOWA; . RES. 10-366, AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST TO A SUBORDINATION AGREEMENT BETWEEN THE CITY OF IOWA CITY AND HILLS BANK AND TRUST COMPANY, CORALVILLE, IOWA FOR PROPERTY LOCATED AT 1015 DIANA STREET, IOWA CITY, IOWA; RES. 10-367, AUTHORIZING THE MAYOR TO EXEUCTE AND THE CITY CLERK TO ATTEST TO A SUBORDINATION AGREEMENT BETWEEN THE CITY OF IOWA CITY AND HILLS BANK AND TRUST COMPANY, CORALVILLE, IOWA FOR PROPERTY LOCATED AT 950 OXEN LANE, IOWA CITY, IOWA; RES. 10-368, AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST TO THE RELEASE OF LIEN REGARDING A MORTGAGE FOR THE PROPERTY LOCATED AT 425 UPLAND AVENUE, IOWA CITY, IOWA; RES. 10-369, AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST TO THE RELEASE OF LIEN REGARDING AN AGREEMENT FOR THE PROPERTY LOCATED AT 1410 S. FIRST AVENUE, IOWA CITY, IOWA; RES. 10-370, ACCEPTING THE WORK FOR THE PAVING PUBLIC IMPROVEMENTS FOR LOT 78 OF WALNUT RIDGE - PART SEVEN, AND DECLARING SAID PUBLIC IMPROVEMENTS OPEN FOR PUBLIC ACCESS AND USE; RES. 10-371, REMOVING 731 BOWERY STREET FROM THE ASSESSMENT SCHEDULE AND DIRECTING THE CLERK NOT TO CERTIFY THE SAME TO THE JOHNSON COUNTY TREASURER FOR COLLECTION IN THE SAME MANNER AS PROPERTY TAXES.

Correspondence: Acting Traffic Engineering Planner regarding Removal of (1) NO PARKING ANY TIME EXCEPT SUNDAYS sign, and installation of (1) NO PARKING ANY TIME sign in the south half of the 100 block of N. Dubuque Street; JCCOG Traffic Engineering Planner regarding Remove (1) TRANSIT STOP sign on the east side of the 200 block of S. Clinton Street, south of the pedestrian mall entrance; JCCOG Traffic Engineering Planner regarding Installation of NO PARKING ANY TIME signs on the turnaround on the north end of Woolf Avenue; Acting Traffic Engineering Planner regarding Installation of (1) NO PARKING CORNER TO HERE sign on the northeast corner of the intersection of Bloomington Street and Reno Street; Tim Taffe regarding Plastic bags; Karen Dolan and Emma Boorboor regarding Local Jobs Resolution; John Northup regarding Sculpture idea at the crossroads of Rochester Ave [staff response included]; Allen Stroh regarding City of Literature [staff response included]; Steven Miller, Terri Byers, Chris Weinard regarding City Manager Search; Timothy Grady regarding Kennedy-Hilgenberg Enterprises, Inc./Wild Prairie Estates, Part Five; Arlene Brenneman regarding 1st Avenue truck traffic concern; Alicia Ambler regarding Urban chickens; Magic Bus letter from Peter Anderson [staff response included] Mitch Thomann; City Engineer regarding Competitive Quotation Results; Tracy Barkalow, Jimmy Clark, Chris Querrey regarding Stadium Club.

Affirmative roll call vote unanimous, 6/0, Wilburn absent. The Mayor declared the motion carried.

Jimmy Clark, 825 St. Anne's Dr. and Tracy Barkalow appeared regarding the application for Stadium Club for a temporary use permit and liquor license.

Moved by Champion, seconded by Mims, to set a public hearing for August 31 on an ordinance amending the Zoning Code, Section 14-3B-1 Historic District Overlay Zone; Section 14-8E-2, Historic Review; Section 14-8E-3, Certificate of Economic Hardship; and Section 14-2B-6, Multifamily Site Development Standards to correspond with amendments to the Historic Preservation Handbook. Affirmative roll call vote unanimous, 6/0, Wilburn absent. The Mayor declared the motion carried.

A public hearing was held on a resolution adopting amended FY11 Annual Action Plan which is a sub-part of Iowa City's 2011-2015 Consolidated Plan (City Steps) and authorizing the city manager to submit said amended plan to use CDBG Disaster Recovery Program income for the west side levee. Moved by Wright, seconded by Mims, to accept correspondence from Jill Butler, # 137 Baculis Mobile Home Park; Jim and Mary Beth Hammes, Thatcher Mobile Home Park; Nancy Quellhorst, Iowa City Area Chamber of Commerce; Senator Robert Dvorsky; John Balmer, Plumbers Supply; Blake Hendrickson, VW Parts4sale.com; Congressman Dave Loebsack; Hoe Raso, Iowa City Area Development Group; State Rep. Mary Mascher; and Senator Joe Bolkcom . The Mayor declared the motion carried unanimously, 6/0, Wilburn absent.

Moved by Bailey, seconded by Dickens, to adopt RES. 10-372, ADOPTING AMENDED FY11 ANNUAL ACTION PLAN WHICH IS A SUB-PART OF IOWA CITY'S 2011-2015 CONSOLIDATED PLAN (CITY STEPS) AND AUTHORIZING THE CITY MANAGER TO SUBMIT SAID AMENDED PLAN TO USE CDBG DISASTER RECOVERY PROGRAM INCOME FOR THE WEST SIDE LEVEE. Affirmative roll call vote unanimous, 6/0, Wilburn absent. The Mayor declared the resolution adopted.

Moved by Champion, seconded by Wright, that the ordinance amending Title 3, entitled "City Finances, Taxation and Fees," Chapter 4, entitled "Schedule of Fees, Rates, Charges, Bonds, Fines, and Penalties," Section 3-4-5, entitled "Solid Waste Disposal," of the City Code to

increase or change certain solid waste charges, be given second vote. Affirmative roll call vote unanimous, 6/0, Wilburn absent. The Mayor declared the motion carried.

Moved by Mims, seconded by Bailey, to consider Item 9 before Item 8. The Mayor declared the motion carried unanimously, 6/0, Wilburn absent.

Moved by Bailey, seconded by Dickens, that the ordinance amending Title 5, entitled "Business and License Regulations," Chapter 1, entitled "General Licensing Provisions" and Chapter 2, entitled "Taxicabs" to clarify revocation procedures, rate provisions and driver badge provisions to place responsibility for issuance of an identification card and driver liability insurance on the taxicab business, be given first vote. Council Member Wilburn arrived 7:34 PM. The following individuals appeared: Roger Bradley, Yellow Cab; Marialyce Prior; Mark Paterno, Marco's Taxi; and Dave Stoddard, Yellow Cab. Individual Council Members expressed their views. Moved by Wright, seconded by Champion, to amend the ordinance to include a package delivery fee. The Mayor declared the motion to amend carried unanimously, 7/0, all Council Members present. Affirmative roll call vote unanimous on the first consideration as amended, 7/0, all Council Members present. The Mayor declared the motion carried as amended. Moved by Wilburn, seconded by Wright, to accept correspondence from Christopher Bergan, Roger Bradley, Yellow Cab; Chris Cutkomp, King Taxi, and seven (7) other cab companies. The Mayor declared the motion carried unanimously, 7/0, all Council Members present.

Moved by Champion, seconded by Dickens that the ordinance amending Title 5, entitled "Business and License Regulations," Chapter 2, entitled "Taxicabs," by repealing Subsections 5-2-2, "Taxicab Business License; vehicle decals," and 5-2-4, "Vehicle Inspection Required," in their entirety and replacing them with new subsections; and amending 5-2-7 to provide provisions for rate changes, be given first vote. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the motion carried.

Moved by Mims, seconded by Wilburn, that the ordinance amending Title 17 of the City Code, entitled "Building and Housing," Chapter 1, entitled, "Building Code," Section 3, entitled "Amendments to Code," to delete Section 313 of the International Residential Code, be given first vote. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the motion carried.

Moved by Bailey, seconded by Wilburn, to adopt RES. 10-373, AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST AN AGREEMENT WITH THE IOWA DEPARTMENT OF CULTURAL AFFAIRS FOR A GRANT FROM THE IOWA GREAT PLACES PROGRAM. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the resolution adopted.

Moved by Wilburn, seconded by Mims, to adopt RES. 10-374, AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST A GRANT AGREEMENT WITH THE IOWA DEPARTMENT OF TRANSPORTATION (IDOT) FOR EXTENDING THE COURT HILL TRAILS PROJECT ALONG RALSTON CREEK IN EAST IOWA CITY TO WINDSOR RIDGE. COURT HILL TRAIL PROJECT PHASE THREE. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the resolution adopted.

Moved by Wright, seconded by Mims, to adopt RES. 10-375, APPROVING, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST AN AGREEMENT BY AND BETWEEN THE CITY OF IOWA CITY AND SNYDER AND ASSOCIATES PROFESSIONAL ENGINEERS TO PROVIDE ENGINEERING CONSULTANT SERVICES FOR THE TERRY TRUEBLOOD RECREATION AREA PHASE TWO

IMPROVEMENT PROJECT. Affirmative roll call vote unanimous, 7/0, all Council Members present. The Mayor declared the resolution adopted.

Moved by Bailey, seconded by Wilburn, to adopt RES. 10-376, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT FOR A NON-COMPETITIVE IOWA JOBS PROGRAM GRANT (A/K/A I-JOBS II) TO MOVE THE NORTH WASTE WATER TREATMENT PLANT. 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. 10-377, AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST AN AGREEMENT FOR TEMPORARY USE OF PUBLIC RIGHT-OF-WAY BETWEEN THE CITY OF IOWA CITY AND THE UNIVERSITY OF IOWA FOR A PORTION OF RIVERSIDE DRIVE IN IOWA CITY, IOWA. 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. 10-378, AWARDED CONTRACT AND AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST A CONTRACT FOR CONSTRUCTION OF THE PARKS DEPARTMENT MAINTENANCE FACILITY IMPROVEMENTS PROJECT to Apex Construction for \$136,000. Parks & Recreation Dir. Moran present for discussion. 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. 10-379, 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. Dan Ford, 2357 Willowbrooke Lane, appeared regarding the assessment for Willowbrooke Pointe Condominiums. Code Enforcement Officer Ream present for discussion. Individual Council Members expressed their views. Moved by Bailey, seconded by Mims, to amend the assessment for Willowbrooke Pointe by removing the \$75 administrative fee. The Mayor declared the motion to amend carried, 7/0 all Council Members present. Affirmative roll call vote unanimous as amended, 7/0, all Council Members present. The Mayor declared the resolution adopted as amended. Moved by Wilburn, seconded by Champion, to accept correspondence from Mark Neary and Don Ford. The Mayor declared the motion carried unanimously, 7/0, all Council Members present.

Moved by Wright, seconded by Mims, to make the following appointments to Boards and Commissions: reappoint Charles Drum, 1136 Franklin Street, to Housing and Community Development Commission for a three-year term September 1, 2010 – September 1, 2013; appoint Angelina Blanchard-Manning, 374 Westgate #6, to Police Citizens Review Board for an unexpired term, effective upon appointment, ending September 1, 2012. The Mayor declared the motion carried unanimously, 7/0, all Council Members present. Correspondence received from Cindy Roberts and Angelina Blanchard-Manning.

The Mayor noted no applications were received for the following Boards and Commissions and all will be readvertised: Airport Zoning Brd of Adjustment for an unexpired term, effective upon appointment, plus a five-year term January 1, 2007 - December 31, 2011; Airport Zoning Brd of Adjustment for a five-year term January 1, 2009 - December 31, 2013; Airport Zoning Commission for 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; Youth Advisory Commission for Tate High for a two-year term for January 1, 2009 – December 31, 2010. Applicants MUST reside in Iowa City and be 18 years of age unless specific qualifications are stated. 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.]

The Mayor noted the current vacancies: Telecommunications Commission for an unexpired term, effective upon appointment, ending March 13, 2011; Youth Advisory Commission for an unexpired term, effective upon appointment, ending December 31, 2011. Correspondence received from Bob King and Alexandra Tamerius. Applications must be received by 5:00 p.m., Wednesday, October 6, 2010.

Council Member Champion inquired when new elevators would be installed in the Dubuque Street parking facility. Staff will report back.

Council Member Wright noted the Sand In the City event planned downtown August 20-22.

Mayor Pro tem Wilburn noted the opening of 2010-2011 school year and encouraged citizens to exercise patience and exercise caution.

Council Member Bailey welcomed new people to the community and underlined comments made by Mayor Pro tem Wilburn to exercise patience; and underscored the service of Interim City Manager Helling.

Council Member Dickens welcomed University of Iowa student to the community, and hoped all teachers were “ready” for the school year.

Mayor Hayek wished Council Member Champion a Happy Birthday.

Moved by Wilburn, seconded by Bailey, to adjourn meeting 8:15 p.m. The Mayor declared the motion carried unanimously, 7/0, all Council Members present.

Interim City Manager Helling thanked Council for the surprise certificate presented at the beginning of the meeting.

Matthew J. Hayek, Mayor

Marian K. Karr, City Clerk