

May 16, 2005  
City Council Work Session  
6:00 PM

Council: Bailey, Champion, Elliott, Lehman, O'Donnell, Vanderhoef, Wilburn

UISG Representative: Jeremy Schreiber

Staff: Atkins, Davidson, Dilkes, Helling, Franklin, Karr, Nasby, Schaffer, Winkelhake

Tape: 05-32

**Planning & Zoning**

**A.) CONSIDER A MOTION SETTING A PUBLIC HEARING FOR JUNE 7 ON AN ORDINANCE APPROVING A SENSITIVE AREAS OVERLAY ZONE AND A SENSITIVE AREAS DEVELOPMENT PLAN FOR MWD DAVIS ADDITION (REZ05-00001)**

Franklin: First is setting a public hearing on June 7 on a sensitive areas overlay for the Davis addition – this is where the Menard's goes.

**B.) CONSIDER A MOTION SETTING A PUBLIC HEARING FOR JUNE 7 ON AN ORDINANCE REZONING APPROXIMATELY 25.67 ACRES BY AMENDING A PLANNED DEVELOPMENT HOUSING OVERLAY - LOW DENSITY SINGLE FAMILY RESIDENTIAL (OPDH-5) PLAN IN ORDER TO ALLOW ADDITIONAL ZERO LOT LINE DWELLINGS FOR PROPERTY LOCATED ON WINTERGREEN DRIVE (REZ04-00017/SUB04-00017)**

Franklin: Second item is setting a public hearing on June 7 on the rezoning of twenty-five acres in South Village Green. This is one that you've had before. It went back to Planning and Zoning. It's been revised and is coming back to you.

**C.) CONSIDER A MOTION SETTING A PUBLIC HEARING FOR JUNE 7 ON A RESOLUTION APPROVING THE ANNEXATION OF APPROXIMATELY 29.7 ACRES OF TERRITORY LOCATED NORTH EAST OF HIGHWAY 218 ADJACENT TO DEER CREEK ROAD IN NORTH WEST IOWA CITY (ANN05-00001)**

Franklin: Item C is setting a public hearing for June 7 on a resolution annexing approximately 29 acres. This is west of the Clear Creek property that we looked at as part of the Camp Cardinal Road project. That whole master plan envisioned

some annexation to the west of our current corporate boundaries near Highway 218. This is taking our corporate limits all the way to 218.

**D.) AMENDING THE COMPREHENSIVE PLAN BY AMENDING THE SOUTH CENTRAL DISTRICT PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION AND PLAN TEXT TO CHANGE THE AVIATION COMMERCE PARK DESIGNATION FROM INTENSIVE COMMERCIAL TO RETAIL / COMMUNITY COMMERCIAL.**

**E.) CONDITIONALLY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 54 ACRES FROM PUBLIC/INTENSIVE COMMERCIAL (P/CI-1) ZONE TO COMMUNITY COMMERCIAL (CC-2) ZONE FOR AVIATION COMMERCE PARK. (REZ05-00004)**

Franklin: Okay, item D then is the big issue for your public hearing tomorrow night and this and the following item are relative to Aviation Commerce Park. The comprehensive plan amendment to change Aviation Commerce Park from Intensive Commercial to Community Commercial. The maps that are before you illustrate the change. It is to change it from this shade...from kind of purplish-red to...from magenta to cranberry. There are some language changes within the text that just make it then consistent with this change. Obviously the difference is the type of uses that we would have there and this change is precipitated by our discussions of having retail in this area as opposed to commercial intensive uses. Are there are any questions about the comp plan changes?

Elliott: Which one of these relate to the series of memos that are later on in our materials regarding the –

Lehman: Conditional zoning.

Franklin: The zoning. Item E, Bob.

Elliott: Thanks.

Franklin: The detail of it really is in Item E, which is the rezoning then from CIP/CI1 to CC2. That denotes two things. One is the change of land use from the commercial intensive to the community commercial and also, even though we still own the property, what it signals is our intent to market all of that property for community commercial use or retail. That's it, I guess. With this rezoning, the recommendation that comes to you from the Planning and Zoning Commission, on a vote of 4-1, Shannon voting No, is a conditional zoning which includes provisions that are in the conditional zoning agreement in your packet, relative to sidewalk and pedestrian improvements. That's a sidewalk along Ruppert Road...remember this is for all of Aviation Commerce Park. A sidewalk along Ruppert Road to get to the park...the thinking being that there are going to be

more pedestrians in this area wanting to come in to this area from the Lodge – which is one area for sure – but as this develops as retail, the expectation that there will be more of these populations that are on the north side of Highway 1 wanting to get in here and quite likely many of them on foot. Landscaping and screening requirements that would apply to every lot on the site. Street and intersection improvements. We have the relocation of Ruppert Road to the north. A left turn lane on Ruppert Road to Highway 1 and possible future signalization of Ruppert Road at 921 or Old Riverside Drive. Then the last standard is design standards for large retailers. Those standards are enumerated in the conditional zoning agreement that is included in your packet and I won't go into those in detail. This is the recommendation of the Planning and Zoning Commission, as I said by a vote of 4-1.

Lehman: How many of these conditions were discussed with Walmart when we were negotiating the sale of this property?

Franklin: The street improvements were discussed. The pedestrian access to Highway 1 was discussed. Landscaping and screening not specifically and design standards for large retailers not specifically.

Lehman: Why weren't those things addressed at the time?

Franklin: Design for large retailers came up at the Planning and Zoning Commission meeting. I mean...I think an important thing to remember here is that these standards are for the entire Aviation Commerce Park, however, it should develop. As we took it to the Commission, the Commission directed us to put together standards for big box retail. We have taken standards that are used across the nation and incorporated those.

Lehman: Do we have any reaction from the purchaser to the conditional zoning agreement?

Franklin: From Walmart?

Lehman: Yeah.

Franklin: I have been working with the site designer, the landscape architect and the architect for the project. None of them have given me any reason to believe that they will not be able to comply with these standards. They have not raised it as a red flag. They have been aware of these as it's gone through the Commission. They have the standards in detail. Whether they can speak for Walmart or not, I can't say. All I can say is that my communications with them have been such that they have not reacted to these standards in any negative fashion.

Bailey: But Walmart has seen these standards across the country. I'm assuming that this isn't the first time that they have...I mean, adaptive reuse is a really smart way for communities to ensure that we don't have big boxes sitting empty.

Franklin: As I presented these standards...the building design standards, specifically, to the architect...she said, 'We deal with these all the time.' Any questions?

**F.) CONSIDER AN ORDINANCE REZONING APPROXIMATELY 29.26 ACRES FROM INTERIM DEVELOPMENT RESIDENTIAL ZONE (ID-RS) TO PART LOW DENSITY SINGLE-FAMILY RESIDENTIAL ZONE (RS-5-10.92 ACRES) AND PART MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL ZONE (RS-8-18.34 ACRES), SUBJECT TO CONDITIONS, FOR PROPERTY LOCATED ON SOUTH SYCAMORE STREET NORTH OF SOUTHPOINT SUBDIVISION. (SECOND CONSIDERATION)**

Franklin: Moving on Item F. This is second consideration for rezoning for a property on Sycamore Southpoint Subdivision or Brookland Pointe, 106-lot residential. That is the end of the Planning and Zoning items.

Lehman: Looks like you're still up.

Franklin: I am, but give me a second here...talk amongst yourselves. I need to get the right program going.

**E.) CONDITIONALLY CHANGING THE ZONING DESIGNATION OF APPROXIMATELY 54 ACRES FROM PUBLIC/INTENSIVE COMMERCIAL (P/CI-1) ZONE TO COMMUNITY COMMERCIAL (CC-2) ZONE FOR AVIATION COMMERCE PARK. (REZ05-00004)**

Dilkes: While Karin is doing that...the conditional zoning agreement that is in your packet...as you know...from other re-zonings we've done that are subject to conditions...the conditional zoning agreement or any other additional conditions have to be imposed prior to the close of the public hearing by agreement. This is a little odd situation because we're the land owner here, but I think that if the Council is included to impose those conditions as part of the rezoning, that should be done before the close of the public hearing and I think you can do it by motion authorizing the Mayor and the City Clerk to sign the conditional zoning agreement prior to the close of the public hearing.

Lehman: Right, but if we close the public hearing, can we have first consideration of a conditional zoning agreement before it's signed?

Dilkes: No, no, no...you're not going to do first consideration of the conditional zoning agreement. You're going to do first consideration of the rezoning. If you have imposed the conditions prior to the close of the public hearing, that will be with conditions. If you have not, it will be without conditions.

Elliott: We would have to do that tonight?

Lehman: Tomorrow.

Elliott: I don't think that I am going to be ready to vote on that tomorrow.

Dilkes: If you want to have more discussion about it, you can certainly continue the public hearing.

Elliott: That I would like to do.

Lehman: Or we may come to a resolution tomorrow night.

Elliott: That could be, I may be the only one.

Champion: As usual.

Elliott: He he.

Lehman: Okay.

Davidson: Are we ready to go here, Mr. Mayor?

Lehman: Yes.

**F.) CONSIDER AN ORDINANCE REZONING APPROXIMATELY 29.26 ACRES FROM INTERIM DEVELOPMENT RESIDENTIAL ZONE (ID-RS) TO PART LOW DENSITY SINGLE-FAMILY RESIDENTIAL ZONE (RS-5-10.92 ACRES) AND PART MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL ZONE (RS-8-18.34 ACRES), SUBJECT TO CONDITIONS, FOR PROPERTY LOCATED ON SOUTH SYCAMORE STREET NORTH OF SOUTHPOINT SUBDIVISION. (SECOND CONSIDERATION)**

Davidson: Before we get to the fun part of this...Karin's part...I just wanted to say a couple of things...sort of in general about the subject of Burlington Street that we're going to discuss here tonight. We have a very interesting presentation for you that I have to admit...I never cease to be amazed at some of the things we can do with technology now. Burlington Street corridor through downtown and is something that we have kind of grappled with...various issues at one time or another...certainly with the near south side redevelopment neighborhood taking off and the things that we can see just coming up here shortly, it becomes even more of an issue of exactly how Burlington Street fits it. I think you all will recall that maybe six months ago the Council on Disabilities Group at the UI Law School contacted us about some specific pedestrian issues that they had in terms of people crossing perpendicularly to Burlington Street. We were able to do some things that I think have really helped that situation with the countdown timers, the signage indicating the vehicles must yield to a pedestrian in the crosswalk and also adjusting some of the crosswalk timings. We have had very positive

feedback. Of course, a lot of people don't think that that goes far enough, others think that it goes too far...and so we're trying to strike a balance here. The notion of making this corridor into something that is an enhancement to what it is currently. It's something that Karin and I have talked about a lot and we have a concept here that sort of takes that to the next step. Now, what I wanted to emphasize right up front is that this is State Highway 1, we can't do anything terribly detrimental to vehicular traffic because ultimately Iowa DOT has the authority over this. We are very pleased to tell you that we have done a traffic study looking at the capacity of the roadway and I think we're all aware that we're dealing with 25,000 vehicles a day, up to almost as many as 30,000 a day when you get down to the bridge. We do have a few more lanes down there. The point is we're not going to be running a lot more traffic through Burlington Street. If you look at our volumes currently as compared to 2030 – which we used in our analysis – there is not a terrible great deal of difference. At peak periods we're at our maximum capacity but we do think that we can do some enhancements, which Karin is going to go through with you, conceptually that we can do them and still maintain adequate traffic capacity and make this into a more pedestrian friendly corridor. Karin will elaborate on some of those things. The DOT, we're very pleased to tell you, has bought into this concept. It's nothing but a concept currently. We will have to show them a specific plan if and when we have a specific plan and that will be of course with your guidance. Conceptually they have said that in the context of downtown Iowa City, they think that what we're proposing might be very appropriate. So, we are very pleased with that. We did want you to know that we have taken those traffic aspects of it into consideration. So, with that, any questions about that stuff before we launch into the simulation? Well, then let's launch into it.

Franklin: Launch. (Laughter) Okay. This is a simulation that was put together by a class at the Department of Urban and Regional Planning at the University. Dr. Allen Peters called me about a possible project for his class to work on and this is the one that I chose. What we did is that we kind of imagined Burlington Street many years hence. At this point, we're coming up Burlington from the West, past the Old Capitol Ramp and coming to the intersection of Clinton and Burlington Street. On the left is the imagining of what it would be like to have a large urban building on that corner and likewise the Hieronymus Project on the right hand side on that corner. As you proceed down Burlington Street, what we're seeing here is the median that would be proposed with plantings or something in the center of it. Now, hang on your hats here...you need your Motrin...Motrin? Whatever that thing is that you take for motion sickness. Dramamine. Yeah, because this can kind of send you off. This is an interesting way to see how you can imagine a building put in our downtown even though it isn't there now and what it would potentially look like. Obviously here you're looking at a birds-eye view and now we're coming to Dubuque Street and where the transportation center – look, it's done! – coming around the Clark project which is there. Then we've done a little bit of fantasizing as to what might be here in the future. The Firestone building – pardon me?

Champion: White storage buildings?

Franklin: Well, no, don't...ignore the white ones that are not finished yet. Here, the building on the right is the Firestone Building but re-imagined as a four-story urban structure and then the one that is just east of there is the telephone building. That is from a picture that we have of what building was there before that blank-walled huge thing was built. We think it might be underneath the skin. We're not sure of that. Obviously we wouldn't know until we took it down.

Lehman: You're going through a red light. (Laughter)

Franklin: Yes, but you can do that in this kind of thing!

Lehman: RJ's here, I saw it! (Laughter)

Franklin: This is so cool, too. Well, we're going the speed limit or slower. We're going to spin back the other way...we're doing a U-ey in the middle of Burlington and Gilbert and kind of trying not to hit that pole and coming back down the street. You can get a sense here of what I might look. Obviously. We're not talking about the City going in an creating these new buildings but what we would be talking about as far as the City project and enhancements to Burlington Street is the median that Jeff spoke of. As he's said, we've done some traffic study's already to look at it in terms of lengths of those left turn bays, which are an important part...and now we're going to go on around the transportation center and away from Burlington Street. This is not exactly how the transportation center is going to be because you don't see the outdoor play area of the daycare center. I wanted to give you an idea of a tool that we can use to simulate what the future might look like when we have projects now that are proposing a specific building...not maybe with this program where you have the movie...but we do have another software program that we'll be using in my department that will enable us to place that building in the context so that you'll have a sense of what is going to be there as we look at other projects. What we want...would like from you all at this point is just to know whether you want us to pursue any further looking at the enhancement's on Burlington Street, specifically the median enhancement. It's not something that you need to decide tonight. We won't be doing any more work on it unless we get direction from you that you'd like to see that happen. DOT was quite enthusiastic about, which as Jeff said we were pleasantly surprised. One of the things that they are enthused about is the fact that you would be controlling some of the traffic movements on Burlington Street and thus making it safer. Also, that median has the opportunity for channelizing pedestrians, getting them to the corners and we would need to put something in those medians to make that actually work.

Lehman: Isn't that a relatively inexpensive sort of project? The medians?

Franklin: Yes.

Lehman: I mean, it's not like putting in a new street?

Franklin: Heavens no.

Lehman: I think it's fantastic. I love it.

Bailey: (Can't hear) currently to put in a median as designed?

Davidson: What we've done...and we have...we went block by block and figured out how long the left turn lanes need to be and it varies as you might imagine and it results in these relative small but I think workable mid-block portions that could be something, as Karin said, could be designed in such a way that pedestrians could not go through them...and could be perhaps with a low-maintenance type of vegetation be very attractive. As we have been working on this the last year or eighteen months, I've tried, when I've been out places, and all of you travel...I was down at Hot Springs, Arkansas last summer and there was arterial, very similar to this, Central Avenue in Hot Springs...beautifully landscaped...of course their climate is a little bit different down there...beautifully landscape...very high volume...very, very high volume...I would dare say as high a volume as Burlington Street perhaps. Everything from Fleur Drive in Des Moines to Michigan Avenue near Millenium Park in Chicago...they've done some very nice landscaping. A little bit larger scale, obviously...but this sort of thing of trying to put an arterial street in to a context that it's not such an expressway is something that a lot of communities are doing and deeming appropriate for a downtown setting where you want pedestrians to be a little more comfortable.

Bailey: Is it a problem for snow plowing or emergency vehicles? I mean, because now emergency vehicles if they have three lanes can actually theoretically swing around.

Davidson: Uhhm...that's a good question. We see the notion that there are several alleys, they're not in every block, but there are several alleys through this corridor that you would no longer be able to go left out...now, we consider that a positive thing in terms of traffic safety because that's probably you're most dangerous movement along the corridor is the uncontrolled left out. Those would all be right in, right now. I guess, Regenia, to the degree that an emergency vehicle would use that...you wouldn't be able to do that any more.

Franklin: I think the next steps we would take, if you want us to go forward with this, is we would have conversations with property owners that are going to be affected by this, in terms of having right in, right out. There's probably only about two or three. We'd also have to look at the emergency services, we'd have to look at a more refined design for this – taking into consideration cost and maintenance.



Then, it would be working it in to our capital improvements program that would come before the Council if we were to continue on this...probably in January or February.

- Elliott: The things in the middle...the medians as you call it...are you looking at those functionally as safety islands or just something to divide traffic? I grew up with safety islands and it seems to me, especially with some elder people for whom it takes a great deal of time to cross the street having them be safety islands would be an appropriate way to go.
- Franklin: We'd have to look at whether we could do that. I don't want to mislead you into thinking that we absolutely could because with the left turn lane...these get rather narrow at the point at which you would want people crossing...so it's something that we'd have to look into as to how we would work that into it and still maintain that left turn lane and I frankly don't know at this point, Bob.
- Davidson: Those things are about four feet wide where the left turn lane sets, so they would provide a refuge area – but obviously a relatively narrow one.
- Bailey: They would channelize pedestrians so they cross as particular area.
- Franklin: They could. Now, you'd have to put something in them as you look at even that illustration that is up on the screen now. In the center part, yeah. Anywhere where it narrows down to this four-foot wide space you couldn't put any kind of – well I suppose you could put a barrier...but then it wouldn't have the function of the cross – that's another thing we'd have to look at is how to design it such that it would channelize to the extent that we wanted it to.
- Davidson: We all know, Melrose Avenue and Iowa Avenue, you can walk across those medians because the curb is a standard curb height. If you make the curb height higher or you plan something in it that enables you to not walk through it then maybe we can accomplish that, if that's what we decide to do.
- Bailey: Something that would make is safer along that corridor.
- Vanderhoef: When you say it narrows down...just this schematic right there makes it look like the westbound traffic as only one lane.
- Davidson: Yeah, there's no pavement markings on there. We're not talking about changing any of the lane widths. Existing curbs would remain exactly where they are. We've got 12 foot lanes, 14 foot center lane...what would happen is that that center lane...you'd carve out the parts that you need...right now it's a continuous left turn lane...you'd carve out the parts that you need for left turn lanes and what remains is what would become your median islands.

- Franklin: We've got a lot of left turn lane storage in this one because this is where Burlington would intersect with Clinton, so you see that narrow part there.
- Davidson: Even though it looks like single lane, we're talking about the same number of lanes.
- Franklin: This is three lanes with the turn and then two on the other.
- Elliott: I really like the idea that his impedes jaywalking and I hope that you do look at the possibility of them being safety islands. I think that would be good. It's going to be simply more attractive too, but it will be most of all functional.
- Franklin: Yes. What I was going to say too is another aspect of this is to collaborate with the University on what they're doing with the rec center and their crossings. When you think about it, this would be a major entrance into downtown Iowa City as you're coming across the Burlington Street bridge. Think of what you see now and what you could possibly see in the future.
- Davidson: Karin did raise a good point that through JCCOG, the University has actually already requested this design to be taken down to the bridge. We stopped it Madison. In conjunction with their new rec center that they're building on the corner of Burling and Madison, they're very concerned about pedestrians from the Quad, Hillcrest, Reinow side of Burlington getting across the street to that rec center. They see this as something that can possibly be a design solution – as least getting towards that.
- Franklin: Okay?
- Lehman: Are we okay with it? That's a go.
- Vanderhoef: Thank the students for their work.
- Franklin: It's fascinating how they do that.
- Lehman: Okay, agenda items.

## **AGENDA ITEMS**

### **ITEM 16. COMMUNITY COMMENT**

- Elliott: I called Dale this afternoon and told him that I...there is going to have to be more information for me to cause me to vote yet on the Mediacom agreement to go thirteen years. I think with that technology virtually exploding at this time, to sign an agreement for thirteen years is just not appropriate.
- Bailey: Can we spend a little time on that?

Lehman: Yes, Dale, would you like to respond?

Helling: Sure.

Lehman: Why don't you come on up.

Helling: Certainly the question of the length or the duration of the franchise is one that you may have different opinions on. Basically, we took the approach after we had started to discuss this matter with the Mediacom folks...given where it looked like the final agreement would go that we should try for a little longer term. A couple of things about it that I'll mention: 1) We did, in the current franchise and in this new one, I think we require pretty much everything that we can require of the cable company under federal law in terms of technology, customer service standards...a lot of that is set by the FCC as well as the rate-regulation issue. We did include a state-of-the-art clause that basically if they increase the technology and sort of modernize the other systems that they have in the surrounding area that at some point in time that it triggers a requirement to do upgrades in Iowa City the same way that they do the other systems – assuming that they would do those before they did ours. One of the very important things is that it does maintain the current level of support of local access. That's always been a high priority in Iowa City and it's one where they certainly exceed the federal minimum for how they have to support local access. There are some service enhancements, if you've gone through that list that I sent you about a month or two ago and I've sent you another copy of it, involving the emergency response system. Also, they're going to help pay for some additional origination sites if we want to do more cable casting of things going on downtown and some public service announcements that they're willing to give us. Also, I think very important, and it's not real obvious, but frequently they have short-term – well, not frequently but unfortunately...well, less-frequently that they used to have - they have short-term outages and it used to be that if a person's service was interrupted then that person couldn't request any kind of rebate unless it was out for eighteen hours and that goes down to four hours and the cable company is pretty comfortable with that because of their ability now to minimize those kinds of outages. I think one more thing I'll just mention and that's the...I believe, the flexibility that is built it again to the current franchise but extends out...we've tried to tie a lot of requirements in their to federal laws and federal policies so that if those do change and I'm not saying on the horizon that looks like they will, but if they do change there is some language built in to both the franchise and ordinance that allows us to, for instance, increase the level of regulation or regulate rates to a greater extent if that is something that is allowed. So, there are a number of things that I think are in the current franchise and will continue with the new one that we want to maintain. Bottom line for me is that I think with the exception of the local access support, which I'm not sure could get that same thing if we didn't extend for a significant period of time, other than that...I think we can agree amongst the consultant, staff, and I, I think that would agree that if

we start over again and we do a new franchise agreement, it's not going to be all that much different from the current one because as I said before, a lot of it is tied to federal standards, policies, and guidelines.

Lehman: Is this an exclusive franchise agreement?

Helling: No, by federal law it never has been. It's not exclusive.

Lehman: Federal years ago we had on the ballot an authorization to allow...I think it was McLeod to come in and the public passed it. I guess I'm getting at...this franchise agreement would not preclude any other cable company from coming in to the community?

Helling: Absolutely not.

Lehman: So it is non an exclusive agreement for any period of time. Anybody can come in and compete with them if they wanted it.

Helling: The only thing...you would have to be comfortable with whatever that other company was proposing.

O'Donnell: I kind of agree with Bob. I have problems with a thirteen year franchise agreement. As far as calling in for repair, I really don't think that's a benefit because I have called in and I've never gotten anyone to answer the phone. Expanded basic is, I think, up around \$50. Surrounding communities get more for less. That bothers me. I don't know we arrived at thirteen. I would like to see a three-to-five year agreement.

Helling: How we arrived at the thirteen was twelve years and it was going to expire – er...the current franchise doesn't expire until next spring and were looking at about this spring to execute the new franchise so it became twelve years plus that year. That's how we got there.

Lehman: What are the disadvantages of a thirteen-year franchise agreement when anybody else can come in any time they want and compete with Mediacom?

Bailey: I think part of the challenge, and this is just a philosophy that I have, is when we negotiate for utilities for franchise agreements, I think there needs to be more direct benefits to citizens. Maybe that's limited by federal law...I know that we set basic cable rates by resolution but we can't touch any of the others. One of the most frequent – well, besides the customer issue which is somewhat addressed in this, I hear this...people are interested in something like an ala-cart. Something between this family that is up the \$50 and the \$13 one. Is that something that is not allowed to be negotiated in the agreement?

- Helling: Well, you can negotiate anything but they're not required, certainly under federal law, to do an ala-cart offering and most cable companies, in fact none that I know of, are doing that any great extent because of...the way they put things together...I think if you want to do that there's folks from Mediacom who would be willing to explain why they don't do that...but it does...it represents a greater expense to them to buy these services where they can get a package and put it out to everybody.
- Bailey: I'm not disputing that these are good positions for the City and good benefits for the City, but if you look at it strictly from the citizen's point of view...I don't see the direct benefit. Now, I'd be much more interested in a long-term franchise agreement if people were singing the praises of this particular organization...that they were getting what they wanted. I think we should try to negotiate something like that if we're going to go for a longer agreement. Otherwise if it's sort of just standard and benefiting the City, I agree with Mike 3-5.
- O'Donnell: If there is something we truly don't like, I would rather negotiate it three years rather than thirteen years. Thirteen years...I don't know...there's probably a good reason for that, but I just really have trouble with that length of a franchise.
- Helling: You know, in the process when this first started, we did bring a number of folks together in the community with a variety of interest to the extent that we could identify and we talked about an extension and some of the benefits there would be and so forth and there is a large consensus of agreement that that was probably a good way to go and you know we put it together and held the public hearing...the commission held a public hearing...I'm sure you saw it advertised in a variety of places and only one person showed up and basically it was a customer service complaint which should have been, you know, taken care of.
- O'Donnell: It probably weren't the same people who have called me.
- Helling: Probably not.
- Champion: Why are our rates higher than other areas? What explanation do they give for that? That's what I hear people complain about.
- Bailey: They are.
- Helling: That's one of the complaints that Drew probably hears the most but we have no regulatory over...I think there are some...there's some reality but there's some myth about what people are getting and for what prices.
- Champion: I think they're paying a lot. That's why I gave up cable. I could do the dish for a lot less and get more.

Helling: In terms of this system versus others...either a Mediacom system or other systems that operate in Iowa or other parts of the country. All the information that we have indicates that we're pretty much there in the middle with a lot of other cable companies – er cable customers around the country. The only ones that we know of that are significantly lower in terms of...you know...comparatively anyway are some of the municipal systems and they are able to do somewhat better because there's not the profit margins.

Vanderhoef: Is there any advantage to looking at the thirteen-year and say 'either party can open every four years'?

Lehman: That's not an agreement.

Helling: Well, then what you have is a four-year franchise.

Vanderhoef: Basically, but barring any huge difference because I keep looking at technology and how it changes and I certainly don't understand all that technology and never will, but it's still out there and what changes that happen over the long-haul...there certainly are people who will come to us and tell us these things are available and we're not getting them for our dollar...if they turn up in the market.

Helling: I'd have to have a little more information about what they're talking about because I think, in terms of the cable service, and you have to remember this franchise is for cable TV, now they have high-speed internet and all that...but we can't regulate that. That's not a cable-related service, according to the federal government and the FCC. In terms of cable itself...with the tiers they have...with the digital, the on-demand services...I think we're pretty competitive and we provide a service for the citizens here through Mediacom that's pretty comparable to what most other people have.

Lehman: Now, if the federal government should allow regulation of the high-speed internet and whatever, according to the terms of this franchise, we could then negotiate that as well? If it becomes regulated by the –

Helling: We have preserved our right to regulate if we can so that's not something I think we'd even need to negotiate. We would regulate to the extent that the federal government would allow. Assuming that's what you'd want to you and I assume you would.

Elliott: There have been several things specifically talking about ala-cart menu and price. Mine concern really is much more philosophical than that, I guess. In a field that is so highly technological, I think signing such a long-term agreement is just not in the City's best interest. In thirteen years...I don't know how long it took our country to put a man on the moon after Kennedy said we wanted to do it...but thirteen years is just too long for a technological industry to have an agreement with us. That's just a personal, reasonably well-informed opinion.

- Helling: My only response to that from our standpoint is that we looked at that and we saw technology developing in the areas that are not subject to necessarily a cable television service franchise. Certainly there are new technologies developed and there are a lot of reasons or incentives for the cable companies to keep up with that of course.
- Champion: Not if you only have one.
- Helling: I'm sorry?
- Champion: Not if you only have one, then you don't have any incentive. What happens if we vote this thirteen-years down?
- O'Donnell: We go three to five.
- Helling: You give us some direction on what you want...if it's a five-year franchise that you want then we'll go back and try to see what's in the mix for a five-year franchise. I suspect that the shorter...as you're probably well aware, the shorter the franchise, the less of the commitment, I suspect, the cable company is going to want to make in some of these areas.
- Wilburn: I'm sorry, Dale, could you walk us through...I guess I'm looking for the relative strength, if possible, of the state of the art clause. Is it...does that reopen the entire contract or does that...
- Helling: No, it doesn't. I don't have it in front of me. Basically what it says is that if other companies, correct me if I'm wrong, I believe if other Mediacom systems in the state upgrade to a certain level that within a certain period of time they will upgrade Iowa City as well. In other words, that's our insurance that we're not left behind...that they invest their money in technological advances in other systems and leave us behind. I don't know, Randy...if...Randy is representing Mediacom...Randy Brown and he can probably tell you better than I can from the cable company's standpoint.
- Lehman: Sure. You need to speak into the mic, Randy.
- Brown: Good evening. The technology clause ensures for the City that if we go in and make an upgrade or change or add a service that within a reasonable amount of time we would do the same thing in Iowa City. I will tell you that we are currently offering BOD-SVOD technologies that in some of the larger cities in the United States aren't being offered. Chicago is just beginning to launch VOD. San Francisco...a bit portion of San Francisco currently don't have VOD and that is the most current state of the art. We have been...probably not the first deployer of new technologies but we certainly aren't the last. We're not a TCI, we're not an AT&T, that is standing back and letting the other operators pass us by. We're

currently working on launching a telephone service which would be available, I guess, no later than early 2006 in Iowa City, a voice-over IP service that will offer to all the customers to compete with Qwest – so those technologies we’re working on. We stay current with them. We’ve made a large investment in the City, we’ve upgraded the plant without a franchise requirement to do so, we’ve added nodes, improved the high-speed service, we’re currently getting ready to upgrade the speeds of our high-speed service to 5 mgs and those things are all being done with out franchise requirements as those just keep us competitive and Mediacom has made a large investment in the City. We’ve tried to make improvements to the plant and the customer service and the areas that matter to the citizens. We’re always going to have people who are going to have issues and complaints but we’re certainly making the investments in technology to stay current and stay competitive. If we don’t, the Qwest’s, DishNetwork and those sort of things are all going to pass us by. We’ve also deployed Digital Video Recorders in the community, High-Definition – we’re adding High Definition products in the coming months, so we’re trying to remain on the cutting edge to remain competitive. If we don’t folks are going to take Dish, you guys are going to lose your franchise fee and we’re going to lose business.

Lehman: How would your method of operation change with a five-year franchise as opposed a thirteen-year?

Brown: It would certainly impact our ability for commitments on PEG, how much we’d be willing to do there. The current agreement preserves the PEG and the PATV funding at the current levels. I don’t know that at the five-year level that we’d want to renegotiate all of those things.

Lehman: Well, if Council is interested in not accepting the thirteen-year agreement that has been negotiated, I think that we really must tell these folks what we have in mind for a shorter term and not just say no.

Bailey: I’m interested in a longer franchise agreement if I could see some direct customer benefits. Improved service is one thing – but the actual provision of these channels and these kind of innovative ala-cart menus are what people are actually calling for, I think that would be something that would be negotiated. These are City benefits but I don’t see citizen benefits.

Lehman: Address the ala-cart issue. I think that’s something...

Brown: Ala-cart has really been a difficult issue. It’s not something that we wouldn’t like to do...and it’s really controlled by the programmers. These programmers come to us and say ‘You know what, ESPN, ESPN-2, whatever the products are – you need to carry those on your expanded tier and we won’t let you carry them on an ala-cart basis unless you want to pay a higher amount in the programming costs. We’re not talking another \$.25 per sub, we’re talking in some instances...some of these programmers want to double the cost to us if we want to carry them on a



ala-cart basis or they're just flat saying now. A majority are just saying they're not going to allow it. Now, federally, if the federal government would step in and mandate them to negotiate that kind of carriage, I think it could potentially happen.

Bailey: I assume you're lobbying for that kind of freedom and flexibility, right?

Brown: The only way it will work is if we go to a completely digital world. I'll be honest, if we had to do it in today's analog world, it is a very, very cumbersome and very, very expensive process to do. Once the digital divide is crossed and the FCC mandates 'Okay, here's the cutoff date for digital, then we can control it through the customer's television set with a cable card or through a box on the tv.

Bailey: I think the challenge that people see is that you've got your basic, a third of which is local access program, which although to some people is not exactly the most exciting programming for everybody and then you've got your family cable which is up towards \$50.

Brown: \$45.95.

Bailey: Yeah, \$45.95 – I've got it right here. So there is nothing really in between and I think that's the frustration for people.

Brown: I think it's a frustration for us. I think there are customers that are out there if they could pick and choose. Right now, programming deals that we're negotiating, programmers are just not willing to discuss it. We've been down...I don't know if you call our industry at all but Rocco Commisso, the chairman and CEO has been very vocal (TAPE ENDS)

(Tape 05-32 – Side B)

Brown: .....costs, rates, we did get ESPN to finally come back to the table and quit hitting us for 20% a year but there are concessions there as well. The programmers are really in control of when and if ala-cart would happen unless the federal government steps in and mandates something.

Lehman: How do we negotiate this thirteen year? Do we have a consultant on this one? Dale, would you explain that?

Helling: Actually, we ended up using the same consultant we used ten years, Bryce Williams out of Washington, D.C. They're not hear tonight. Obviously the public hearing is basically on the ordinance, but they're so integrally tied together that you want to talk about them all. We were going to wait and see how things went, but certainly Jean Rice or Don Williams are on standby and ready to come back when you have your public hearing on the...when you consider your resolution on the franchise but you can't do that until after you've passed the

ordinance amendment. Now, the ordinance is probably 98%, 99% the same as it has been in the past. It's really the franchise agreement that provides for the kinds of things we're talking about here.

O'Donnell: When was the last time period, Dale?

Helling: Ten years.

Wilburn: I have a question for Eleanor. I know we can't speculate on any changes in federal law that might happen, but in terms of this state of the art clause, if services weren't being offered that we found out other areas were being offered, in terms of following up or even to the point of litigating, can the City act on single case complaints or learning of fact that Cedar Rapids or some other town in Iowa were being offered a service that is not being offered here. Does one case do it? Do we have to build up several? I guess I'm just looking for –

Dilkes: I think the best that I can tell you is that we've really relied very much on Rice Williams to advise us in connection with this agreement. I think we're comfortable with the state of art agreement...what particular facts would lead to a positive outcome in litigation, I don't know...but I think this is the best that we can do. What I'm concerned about...just hearing the Council talk...and again...particularly with Andy gone out of my office...we have relied pretty much completely on Bryce Williams. They are experts. We can get them here if you want to talk to them about it – but you can't negotiate in a vacuum and what I hear all you doing is saying 'I don't want the thirteen years' but then I don't hear what you're going to end up giving up as a result. That...I don't know if you need more information about that or what but that's what seems to be missing from this conversation. We can certainly get Bryce Williams to give you some more background information about that or get here and talk to you about that, but I don't think we can just say 'I don't like thirteen years' and tell them that we want five. I don't think that's good negotiating.

Helling: If we know specifically what your concerns are for instance in the area of customer service so we can address those individually...that's fine...there's a lot of customer service, there's a lot of technology – as you know if you'd read through the ordinance and franchise – that's in there and we'd have to know what it is that is unsatisfactory and then try to deal with that specifically.

Elliott: I just think...what happens in let's say six years there is a breakthrough and cable is able to be carried through telephone lines and we could plug in something county-wide simply through telephone lines...what if there is a breakthrough in wireless capability?

Helling: There is nothing in here that would prevent that from happening.

Elliott: Then why do they want thirteen years?

- Brown: Basically, a longer term allows us to be able to do more things on the front-end of a franchise and it also preserves the PATV funding without completely renegotiating those...to your point of over the phone lines...that's available today...there is a VDSL product available out there today. That's what is being deployed in North Liberty by South Slope. So that does exist today it just depends on the operator. I don't know what direction Qwest is looking as far as that goes.
- O'Donnell: I don't know about everybody else, but if we want to start negotiating, I'd like three-to-five and I don't want to have to give up anything. That seems like a good starting point.
- Lehman: I would assume...a longer franchise agreement would be more beneficial when it comes to investing capital in the City. I would think that would be the biggest –
- Brown: Absolutely. It would give us time to recover our investment that we've made.
- Lehman: Isn't that the biggest reason you're looking at a longer one?
- Brown: That's part of it. I think as we met with Drew and Rice Williams, we talked through what would happen with the funding of the channels, the capital grants, all those things come in to play and they're all based on term and how much we'll put out on the front end that we can get back over time.
- Champion: I guess what I'd like to see is some comparative rates from other cable companies.
- Lehman: But the rates aren't negotiable.
- Bailey: We only set basic by resolution. We're really tied.
- Lehman: Right.
- Vanderhoef: I think what we're doing is we're still reacting at this point to complaints from citizens and I think Regenia has nailed it completely that the citizens are saying 'Don't do it unless you give us certain benefits' and they don't recognize and probably we didn't either to a certain extent that certain things are not negotiable for us or that truly they are far more expensive like the a la carte menus and those type of things and it's not probably going to be able to be done at this point in time. Later on, it may be.
- Helling: When you're talking about complaints from citizens, I don't know if you're talking about phone calls that you have received or the complaints that the City has received. Drew keeps track of all of those and he can put together something for you.

- Vanderhoef: I know he reports them in their minutes all the time so the....certainly from four or five years ago, the complaints are noticeably down.
- Helling: They are and some of those complaints are about rates and of course the response has to be that we don't regulate rates. Same thing for the a la carte or other types of services. So...if you want that, we can certainly put that together for you and let you know the kinds of complaints that we get and to some degree how they're resolved.
- Vanderhoef: They're all in the minutes, actually.
- Bailey: I certainly got calls though.
- Vanderhoef: I did too.
- Bailey: I try to connect them with Drew but I don't know if they follow up with them.
- Vanderhoef: The only calls that I've gotten in the last few days has just been don't give a lengthy one...we want to hold them to the fire or some such thing without giving me any good input on what they think we can do.
- Bailey: I think people want to see something for this thirteen-year franchise and if we hear that it can't happen, I think I probably need to hear from the consultants, what is the range that can provide direct citizen benefit. I think it's unconscionable for us to move ahead with a lengthy arrangement if we're not providing direct benefit to our citizens in a franchise agreement.
- Wilburn: PATV funding is one thing. The cable rates and our inability to influence that every year...(unclear – Bailey speaking)...when that comes up every year, no Council member is willing to first or willing to second and then we sit there for a while and somebody speaks up and does it and we...I suppose that part of that is a little frustration about that. My concern was that if we're going to do some type of longer contract to make sure that we do have in place ways to either get customer...like you said, that part of the agreement is still in tact to make sure that those customer service things are being addressed and I guess my questions were just...with Bryce Williams, if we can...if we're not getting something that they're getting somewhere else, then we should have a vehicle to do that and that's probably the best that we can do.
- Elliott: I would just be in favor of a three-to-six year agreement. I guess I could compromise if it were shown that there were significant benefits to the citizens for a long-term contract that would be a compromise on my part, but I would...but I'm looking at three-to-six years at this point.
- Lehman: Well, it would seem to me...if the majority of the Council has concerns relative to the lengthy of this franchise that tomorrow night if those things surface and

remain there that we should probably continue the public hearing. Basically I think what we need is a Council education. I don't think that we know what we're talking about.

Helling: If you choose to continue the public hearing, we can have the consultant come in. They are the experts.

Lehman: Have those folks come in, explain it when we reopen the public hearing and then Council, based on that discussion, can decide whether or not the length of time is reasonable and what...we don't know which items are negotiable, which one's aren't, we don't know anything about what it costs to do this or that or whatever. That's obviously why we hire a consultant who knows what they're doing. It sounds to me, if this goes tomorrow night the way it is going tonight, we continue the public hearing, ask the consultant to come in, reopen the public hearing, have that person be available to answer questions for Council folks and perhaps do a little background work prior to the public hearing.

Champion: Ernie, I think you're right. I think the Council needs some education because we've all had some phone calls. We've all heard complaints over the years about cable and we hear complaints about parks, we've heard complains about everything. I think we just need some education. I think when...I think the cable company has improved it's public relations and it's repair record...customer service I think has improved. I'm not entirely against a thirteen-year contract. I think I'd like to know what Regenia is saying...what more can we give to the customer. So, I'm not saying that I'm not going to support this contract, I'm just saying that I'd like to hear some more information first.

Lehman: I think the cable company enjoys the same position as the telephone company, the utility company, all of those folks who basically have...I hate to use the word monopolies – but they're all franchises – everybody hates the people they have to...they can't get cable except from you. The truth of the matter is anybody can come in and offer cable. If they chose not to, it's because the market is too small so we get to hate you. The same thing is true when we get the electric bill, the gas bill, the water bill...I think its human nature to be frustrated when we don't...if we had five choices, nobody would complain about anything.

Champion: How many cable subscribers are there in town?

Helling: 19,000.

Champion: 22,000?

Helling: 19,000.

Champion: 19,000? Has anybody here had more than ten phone calls?

- Lehman: No. One.
- Champion: Think about it.
- Lehman: Okay, that's the way we'll do it tomorrow night.
- Atkins: Ernie, while Dale is still up there. Tomorrow night's hearing is on the ordinance.
- Helling: The ordinance, that is correct.
- Atkins: Not on the franchise agreement. So...maybe when we open that ordinance so the public understands what they're commenting about this is not a rate discussion, etc.
- Helling: It's pretty difficult to separate the two for the purpose of the hearing.
- Bailey: I think that point is well taken. A lot of people don't realize that the franchise agreement has nothing to do with rates.
- Lehman: In fact, most of us around the table. This ordinance enables us to do a thirteen-year franchise. Does it require it?
- Atkins: No.
- Lehman: So, in other words, we could have the public hearing, pass this, enable this and still not approve the franchise agreement and insist on a...okay.
- Helling: I'm not really sure quite frankly, if we were to renegotiate something different that the ordinance would necessarily have to be changed. It might, in a few places.
- Lehman: Just enables us to do what was negotiated.
- Helling: Do you want to do this at the formal meeting in two weeks or do you want us to schedule time on the work session?
- Lehman: That's up to Council.
- Champion: I think it should be a public hearing so that the public can hear it.
- Lehman: I would agree with that but are we comfortable with passing an ordinance that enables us to approve the franchise agreement or do you want to wait and do both...basically the public's perception is that they're connected.
- Bailey: I think we should do something that is clear to the public.

- Lehman: So we just continue the public hearing...and I think it would be a matter of...I don't sense that there is a sense of urgency from a time stand-point on this.
- Helling: No. I think we'd like to get it done as quickly as possible just like anything else.
- Lehman: What I'm getting is that we have the consultants scheduled...a consultant who can come to a council meeting at his convenience, so we don't have special really expensive trip, whatever.
- Helling: Well, they work for us. They're ready at any time.
- Lehman: We'll wait until tomorrow night. If we continue the public hearing, we'll just give direction to have those folks come in. We will hopefully get some coverage in the press, people will know what's going on.
- Dilkes: Maybe we can get some tentative dates from them...so we know when to continue the public hearing.
- Helling: I think they could probably be here two weeks from tonight or two weeks from tomorrow.
- Lehman: Okay, that's fine.
- Dilkes: If we can confirm that for tomorrow night (unclear).
- Helling: The other thing I would just ask in terms of what are these customer service concerns and so forth. The more specific you can be with the consultant as well the more they will be able to....because we have an idea...we know pretty much what is negotiable and what isn't but we need to know what the concerns are and then we can respond to that.
- Lehman: Are you asking the council folks to get a list of those sorts of things to the consultant prior to the reopening of the public hearing?
- Helling: No necessarily.
- Lehman: Or just that we have them available that night? Okay.
- Elliott: I think as Regenia pointed out. What it comes down to is that most people in the city, I think, are interested in how much it costs them to turn on their TV and get ESPN and Lifetime and CBS and NBC and that sort of thing. That's what they interested in.
- Lehman: But it's the basic American right to hate the cable company.

O'Donnell: You know, Ernie, you keep saying that. It's not about that. I don't think anybody hates anybody, they just want the biggest bang for their buck. You know...the question is why aren't we getting more. The only that seems to be going up is the rate. We're not getting more channels...that's questions that I would like answered.

Lehman: We'll do that.

Dilkes: The problem is that I think you all need to be somewhat sensitive to is the more you complain about the rates and act as if you have some kind of control over that the more that furthers that expectation out there that you do have control over the rates and you don't.

Champion: I think it's also to remember that it's a small number of people who are complaining and how many people does it take to call you to delay action?

Lehman: Okay. Thank you. The next time is Council Appointments.

Vanderhoef: Have we finished agenda items?

Lehman: I'm sorry, agenda items. Sorry. That's right. Other agenda items.

Vanderhoef: It just seems that since its 7:30 that we ought to be done with them.

Lehman: Any other agenda items?

Bailey: I had two.

Lehman: Yes.

**ITEM 3(e) 4. CONSIDER A RESOLUTION APPROVING JOB DESCRIPTIONS FOR THE CITY MANAGER, CITY ATTORNEY, AND CITY CLERK.**

Bailey: These are on the consent calendar. Number 4. When we were looking at job descriptions, I just wanted to flag that in the job descriptions there's no mention of technological skills and I think that's particularly important for the Clerk. I'm not interested in necessarily changing it now, but we should look at it again next year because Marian does a lot with technology and I think that should be included in a job description for our City Clerk. I think that's key.

Vanderhoef: I had one also, while we're talking about job descriptions, if you don't mind.

Bailey: Go ahead.

Vanderhoef: For some reason in the City Attorney's job description, it talks specifically about the number of employees...6....and the other two we don't talk about the number



of employees. So, if we could put a more generic description in there and take that number out I think it's appropriate because when you get part-timers and so forth...just indicate that it is the City Attorney's prevue to higher within her own budget.

Bailey: I had a question for Eleanor about this next item.

**ITEM 3(e) 5. CONSIDER THE RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST LICENSE AGREEMENTS BETWEEN THE CITY OF IOWA CITY AND ASCAP (AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS) AND THE CITY OF IOWA CITY AND BMI (BROADCAST MUSIC, INC.)**

Bailey: I know this is for music. What kind of arrangement do we need to support the neighborhood movies? Do we have some sort of copyright?

Dilkes: We've dealt with that.

Vanderhoef: Neighborhood what?

Bailey: Movie night.

Dilkes: This is just music. These entities only deal with music. We're currently talking to the video licensing people making sure that we've got our I's are dotted and our T's are crossed on that.

Bailey: Since we just approved a PIN Grant for a movie night...

Dilkes: We've dealt with it before and we had thought we were covered. There may have been a difference of opinion between us and the video licensing people but we're trying to work that out.

Bailey: Okay, thanks. That's all I had.

Lehman: Okay.

Vanderhoef: That's all I had.

Lehman: Okay. Council Appointments.

**COUNCIL APPOINTMENTS**

Lehman: Okay. Council Appointments. We have nobody for the Airport Commission or the Airport Board of Adjustment. Library Board of Trustees we have two vacancies and four applicants.

- Champion: I'd like to nominate Mary Lee Dixon.
- Bailey: I like Meredith Rich-Chappell.
- Lehman: Okay, we have Meredith Rich-Chappell and who is the other one?
- O'Donnell: Tom Martin.
- Vanderhoef: And Tom Martin.
- Bailey: Connie said Mary Lee Dixon.
- Champion: I like Mary Lee Dixon and Regenia said Meredith Rich-Chappell. Somebody can throw another name in there too.
- Elliott: Tom Martin's name is in there.
- Champion: He's very qualified and don't misunderstand me but he's only been a resident for three months and I think sometimes that people need to have a feel for our library, as a library user, to have some feeling for the community. It doesn't mean that he wouldn't be wonderful, but that would be the only reason I wouldn't support him.
- Elliott: Connie, there is a flip side of that. Sometimes it is good to have someone new who is not familiar with everything our library has done, who is familiar with what's happening in other places, and who takes a fresh look the library. I think those fresh looks often times can be beneficial.
- Champion: You could be right.
- Vanderhoef: That's the approach that I take with it. Certainly we have a marvelous library and the people there understand the programming. I was interested in also just an idea that Meredith mentioned to me on the phone, I said 'Well, whether you are or are not appointed, I hope you will take your idea to the board for consideration.' But I would like to support Tom Martin.
- O'Donnell: I would like to see Tom Martin.
- Lehman: Alright. How many support Tom Martin, show of hands. Okay...one, two, three, four...okay, Tom Martin is appointed. How about Meredith Rich-Chappell?
- Champion: Who was the fourth?
- Bailey: I was.
- O'Donnell: Who did you have?

Elliott: Now Connie doesn't like you.

Champion: That's not true.

Bailey: She'll like me on the next vote.

Lehman: Okay, Tom Martin it is. Meredith Rich-Chappell? We have one, two, three, four...okay we have done it and that is vacancies. Are we going to take a quick recess?

### **CDBG & Home Funds**

Lehman: With the Council's permission, we're going to go to the CDBG HOME Funds. I think that will be a shorter discussion. Steve Nasby, I think I saw you here.

Wilburn: In that case I will not participate in this discussion. I work for an organization that receives CDBG funds and cannot participate as I have a conflict of interest.

Nasby: Good evening. At the last City Council meeting we approved the FY-06 Annual Action Plan for Community Development Block Grant Funding. You wanted to meet again in two weeks time to talk about the terms because there were a number of organizations that requested waivers to your existing investment policies. I submitted a memo that is in your work session packet. Really, before we get into coming up with specific options, we need to have the question answered from Council. 'Do you want to entertain grants, as far as an investment policy, for the CDBG monies?' If you do then we can come up with some specific policy recommendations and get those back to you.

Elliott: Grants as opposed to loans?

Nasby: Grants as opposed to a repayable loan, yes. We had talked before...there are several types. Really for this the terms of this conversation, if we give it then it kind of becomes a grant...so we'll work in that grant versus loan context.

Lehman: I would favor grants when it comes to projects of rehabilitation where the life of the improvement, for example replacement of a heating or air-conditioning system or the remodeling of the new floor coverings or something, that does not...the depreciated value is so small that for it to be attached to a long-term project is...and I think particularly with agencies.

Nasby: That is something that we had talked about, too. These maintenance/repair things versus capital improvements, not with like our housing rehabilitation program...where if he had to rehabilitate someone's home, we'd put in a water softener - I'm sorry, water heater and new flooring. That would be in the terms of a loan that they would pay back. We do do those types of things with

homeowners. You're talking about non-profits in this case but as far as you know what we do do with these dollars. We've done it both ways.

Vanderhoef: What about then the difference between when the agency owns their own facility versus when it's a rental facility? That's where I have a little problem. I think one of them that I can think of right now that bothers me a little bit is a parking lot resurfacing.

Nasby: That one actually HCDC recommended not funding the parking lot portion of that project. They're not going to do that because that was on leased property.

Vanderhoef: That's one that would have bothered me because it was a longer term capital improvement to landlord rather than to the agency itself.

Champion: That's a good point, Dee.

Bailey: Tuckpointing is a longer-term capital improvement and is site specific. I think that's the Old Brick project, right?

Elliott: Steve, do you have any examples of where a loan, obviously if we could make them all loans we'd be better off, if you can recycle the money and use it again...but so many times the agencies...it's not financially feasible, that's the reason they need the money. Could you give us an example of instances where it would be appropriate for the funding to be a loan as opposed to a grant?

Nasby: Some of those examples would be the larger capital improvements like we were talking. If we helped someone...several years ago we helped an organization purchase a building. The acquisition of Tower Place Condo by United Action for Youth. They acquired a piece of Real Property. That was an investment of Block Grant dollars and their dollars. That's a long-term asset that will appreciate in value. In that case, having that conditional occupancy repayment, as long as they use it for the terms of which they got the money for, there is no interest, no payments, but once that ceases, it's all paid back. Which, is different then if we were replacing flooring or the water heater in an agency facility.

Champion: But when they quit using, they would be able to sell it so they would have a way to pay that money back.

Nasby: But in some of the rehabs too. The investment that we make, depending upon the level of that investment, may add value to that property or help it appreciate in the near term.

Bailey: Would it make sense to use a dollar-amount benchmark? That could also be a way to approach it. If we make grants of \$10,000 or below...or to claim balance loans of \$10,000 or below for these kind of rehab projects and other things as conditional occupancy.

- Lehman: The problem I have with that is that I think the replacement of a water heater or something like that is a legitimate expense that we can expect to be reimbursed for at some time. Replacement of heating and air conditioning systems might be a hundred times as much and something that we wouldn't expect to be reimbursed for if it's a long term. Also, I suspect it would make a difference on the ownership of the property. If it's owned by the agency, I think we would treat it differently than if we were requesting money to be invested in someone else's property.
- Nasby: I think we would be inclined to make a larger capital investment in something that the agency is going to own versus a lease. I know that's something that HCDC talked to about the organizations that were leasing. 'How long is your lease? How many options do you have for renewal?' before they would entertain even the Block Grant money in that project. The Commission does sort through those types of things.
- Champion: Do you have a suggestion to address what we're trying to say here?
- Bailey: We have some criteria. I think we're developing some criteria for declining balance loans. Its ownership, the depreciation schedule it sounds like, and then type of the project.
- Nasby: I didn't bring you specific proposals because until we decide we want to forgive some of these dollars or do them as grants, there is an unlimited number of proposals I could bring to you as far as options. I think what I had heard from you the last time was...well...in some cases the loan is appropriate and in some cases the declining balance or forgivable loan or a grant is appropriate. I think the approach that Regenia suggested maybe looking at a dollar threshold or at least some years as a threshold, maybe it is a grant but they earn it over a period of time. Three, five, seven, ten, twenty years.
- Lehman: Could we also use rehab as opposed to capital improvements? Rehabilitation being treated in different way than a capital project? For example, you replace an existing heating and air conditioning system, which is a rehab, or you put an addition on a house which is capital investment.
- Bailey: Right.
- Nasby: We can try to address it that way.
- Bailey: Well, ownership seems to come into play as well. I think it's key.
- Nasby: Okay, would you like us to put together some of those options based on those basis and bring them back to your next meeting?

- Vanderhoef: Let's see what we can put together with that.
- Lehman: I think it would be easier if you put something together...it's always easier...and I think this was helpful...but it's much easier to critique something that is already written down. If we don't like it, if it jumps out or if you think it changes, you can do it. Are we willing to let Steve put something together for us and then we'll go from there.
- Nasby: So you are interested in doing some type of forgiveness?
- Champion: The distinction for me is between the profit and the non-profit.
- Nasby: Sure, and the monies we're doing, public facilities are almost always non-profit.
- Champion: They are?
- Nasby: The public facilities monies. The housing ones can split. We're talking about the public facilities projects here...and then the other two...there were two other things in there about housing. We didn't have a policy for tenant-based rent assistance or direct home-ownership assistance.
- Lehman: I thought your suggestion was pretty good.
- Nasby: That's what I looking for. If you're interested in a suggestion for tenant-based rent assistance, because it is rent assistance like Section 8, there really is not a repayment vehicle for that so that would be a grant and direct home-ownership assistance...where it would be a repayable loan but sometime out in the future so as not to impose a burden on the home owner.
- Atkins: Steve, before you sit down...
- Vanderhoef: I have one too.
- Atkins: Go ahead, Dee, I'll wait.
- Vanderhoef: One of the things that comes up every now and then for very large capital projects and it has to do with these public/private projects and management and development fees. I'm a little uncomfortable maybe because the feds put maximum amounts for each of those in a percentage off of the total project cost and I'm not sure that the maximum allowed by the feds is appropriate for Iowa and for Iowa City. I would like some information to see whether we are or are not in the ballpark for what those costs are in our area versus in a metropolitan area on the east and west coast perhaps – where the feds their numbers one-size-fits-all.
- Lehman: That's a good point.

- Champion: I think we're all interested in that.
- Atkins: Is there any question about timing? I suspect that if you have discussion in June...this wouldn't be operational much before July.
- Nasby: July 1 is when we sign contracts. I think we would be able to sit the next Council meeting if we can reach a consensus.
- Atkins: I'm thinking of the recipients signing a contract and they're not exactly of what the financing is, other than the dollar figure.
- Nasby: It would be after the next Council meeting.
- Atkins: So we really need to move quickly.
- Nasby: Yes, we do need to decide next time.
- Vanderhoef: Fast track for these contracts, otherwise it's a year from now.
- Lehman: Thank you. Okay, now we'll go to the alcohol discussion. Ron Berg from MECCA is here. As you recall at the last meeting he asked for a few minutes of your time.
- Berg: Good evening. Along with me tonight is Rick Dobyms who is part of our Alcohol Awareness Work Group that has been working on this issue. First of all, I want to thank you for the chance to talk to you tonight. We're not going to present a lot of facts. As Mayor Lehman has pointed out previously, I think there has been more information presented to the Council on this single issue than any other issue in the history of the world. We do want to take just a few minutes to point out some of our recommendations and then hopefully we'll have a chance for some discussion. The Alcohol Awareness Work Group began meetings in August of 2004. It was organized by Ralph Wilmoth, from the Health Department, and Rick Dobyms who simply were concerned about the amount of underage and excessive drinking that they saw in our community. So, we began to meet, began to invite people together to present to us their views and ideas on the topic and have met ever since August 2004. During that time we have asked for and received input from the Iowa City Police Department, Iowa City Administration, the Stepping Up Project, Student Health, University of Iowa College of Public Health, University of Iowa students, University of Iowa central administration, the Iowa City Schools Central Administration and the principals from both high schools, we had juniors and seniors from City High School come talk to us, we've had input from the Johnson County Sheriff and we've had input from general concerned citizens in Iowa City – all involved since August 2004. As I step back and look at what has gone on...I can't help but recognize some similarities between what I have seen in the past twenty-four years working in substance

abuse when we're working with a family who is concerned about a loved one. We start to have certain reactions to that. Some people deny that there is an issue. Some people rationalize, try and make excuses and cover up, and I think as a community we are starting to have some of the same reactions as the alcohol use issues that we see here in Iowa City. Specifically, I think that we have tried in the past to deny that there is a problem – although I feel as though we've moved beyond that. I think there is general consensus now that there is a problem and we need to do something about it. I think that we have tried to rationalize...as a family member might rationalize by saying 'It was a hard work day, they were under a lot of stress so it was okay that they drank.' In a public sector, what I see happening is that we start rationalizing saying that 'kids need a place to socialize, I did that when I was that age, it's just college students and a phase that they're going through.' So, we start to come up with these rationalizations that make things okay. Also, sometimes I see family members enable the loved ones. So, if I drive to the bar and get the beer then the person won't have to drive and risk getting an OWI offense on top of everything else. I see the Iowa City Community and in general our society is starting to enable things. We say if we let the kids drink downtown or encourage them to drink downtown, it will be safe, it will keep it out of the neighborhoods – so it's a healthier place to do something as opposed to the risk that is involved in going to their house or out in the community. When I'm working with families dealing with a loved one...if all of the family members are involved and on the page, they can do an intervention. An intervention requires a strong leader to say 'Let's go to this person, tell them we're concerned, tell them what we want them to do.' What we're looking for now is some leadership to make that intervention in the Iowa City area. We finally have all of the family involved. We've got the City, we've got the University involved, the County government, we've got downtown businesses, we've got the bar owners. In the past twenty-four years I can never remember a time when we have had so many different people talking about this one single topic. We've got an opportunity to strike and to make some changes and I hope that we can do it. Specifically, we think that working with the University, the schools, the County, the businesses, religious communities, neighborhood associations, that we need to enact some policies and ordinances that will establish low tolerance for excessive and underage drinking and related behaviors, create a culturally responsible use of alcohol that frowns on excessive alcohol consumption, clearly support a vibrant, active downtown, encourage a wide-range of eateries, social gathering places, encourage interactions among ages from the very young to senior residents, and be welcoming to visitors. We're asking for your leadership to make these changes. Not just the 21 ordinance but that in conjunction with several other steps that the Council has considered and other people have talked about and start to make an effort with the problem of alcohol in this town. With that, we encourage some questions and discussions.

Vanderhoef: What specifically...intervention kind of projects would you like us consider?



- Berg: Let me just go back to the last work session. Somebody made a comment that we're trying to find the silver bullet. There is no silver bullet for this. We can take many, many different things. Things that the University has done in enforcing the drinking with college students, notifying parents when they're arrested, they're requiring that students go for evaluations, we need 21 ordinances or other ordinances that will restrict the access. We know for a fact that if you restrict access to alcohol or you restrict access to tobacco, that youth consumption goes down. So, we need some ordinances that will restrict access. We need to involved the school district with this. I'm trying to think off the top of my head...zoning ordinances have been considered...all of those in combination, we think, will start to have an impact but we can't just hang our hat on one single solution. We need to get started.
- Wilburn: A question I have for you. You mentioned the different areas that you'd like to see leadership in addressing the low tolerance for access. I've tried to view the 21, the prior 21 ordinance – since we don't have a 21 ordinance – as one of those components or arrows that you would use to shoot at the problem – the multi-dimensional aspect to it. If we continue to wait to address that specific component of it, what do you foresee happening or what might be the consequences of not addressing that particular aspect over, let's say, a year's period of time.
- Berg: Well, I think we have to send a message not just to people in Iowa City but other communities around here that this is no longer a party town. It's going to be a responsible town. The longer we wait to enact some steps the longer we will continue to have underage drinking in the downtown area...the longer we will continue to tolerate an excessive level of drinking...and along with both of those instances some personal harm that some people experience. Not everybody, certainly, but the longer we allow things to continue, the longer you allow the chance for something very serious to happen to individuals. Really, it all comes down to what happens to an individual. We've got an opportunity here that we can enact some change.
- Schreiber: I appreciate your analogy...talking about specific alcohol-abuse problems and putting them in the context of the entire city. What do you do when someone has a specific problem? You go after that specific problem, correct, in your individual analysis? Are you aware that 74% of public intoxications are people over the age of 21 and 87% of OWI charges are people over the age of 21? My question is why do we try to solve a problem that isn't the crux of the issue by going 21? Why do we try to solve a problem of underage drinking, which isn't the main focus and shouldn't be the main focus of the problem. Don't you go after the root of the problem?
- Dobyns: In your packet of materials, it shows what I consider to be an epidemic. It shows the pattern of bar increases in downtown Iowa City from 1975 into the current time. As mentioned before...the issue of a magic bullet. There is no magic

bullet. What we're talking about is expanding and looking at multiple problems and trying to find...Will the 21 ordinance solve all those problems? Certainly it won't and we've addressed that. From a public health point of view, the graphs that you have in front of you show what I think is an epidemic. You have a slight increase in the population of Iowa City and the University and you show an incredible number of increases in the bar situation. I think addressing that small area is important. From a public health point of view, if I can just decrease a percentage who are participating in adverse behavior by a few percentage points then I get the Nobel prize in public health. There isn't one...but that's what we're trying to look at. We're trying to look at this from a small approach. Something that we can handle...the underage drinking. Ron talked about...if you can just start to turn around. Look at those curves and look at how they increase. If you can just start to stem the tide just a little bit and start to work on one problem you start to get to what we call a tipping point. You've changed a culture. Did I answer your question sufficiently?

Schreiber: Well, actually I think you raised another good question and that is from a public health standpoint...have you stood in the basement of a local house party at any time in the last few years? A local kegger?

Dobyns: I think that's a rhetorical question.

Schreiber: I have personally and it's...I'm sure you can appreciate the dangers from fire hazards to female safety to the excessive drinking that goes on when you have a cup for \$5 and an unlimited supply of keg beer and nobody to supervise anything along those lines. From a public health standpoint...how do you address that issue. You're trying to stem the tide and curve it – but you're curving it away from. It's not a solution by keeping it safer or more organized. You're turning the tide towards something that is more dangerous in a sense, is that not more dangerous or do you have a response?

Dobyns: I have a response. With all due respect, you're turning the tide toward a great many issues of public health – all of which have their own importance. Again, we have no silver bullet. I could bore you all to tears with possible solutions to all those things...but we're hear to address this one concern. I would be happy to address the issue of rapes in the city community but again – that isn't the issue here. The issue here is one of underage drinking.

Schreiber: Why is that the issue, is my question. Because the facts show undisputedly that that isn't the issue here and that shouldn't be the issued. The issue should be public intoxication charges and OWI charges and this isn't coming from people who are under 21 so why are we making in the issue?

Lehman: Jeremy, 5% of the kids get 24% of the violations statistically. (TAPE ENDS) 95% get the other 76%. People 18-20 don't represent more than 5% of people in the bars. If you look at the spectrum of age...18 on up...you have 5-6% of the

drinkers getting 24% of the violations. All of those 21 age and older get 76%. Now, I would say that that is a huge problem.

Schrieber: So 5% of the people in the bars are under 21, you're saying?

Lehman: Just look at it statistically, it's easier to figure out. Far and away there is a much much higher rate by kids who are under 21.

Berg: I would like to add that our target is not just specifically the 18-20 year olds. Our target is the culture that is supported in this community around excessive and underage drinking. People don't go to the University Northern Iowa...you don't hear about people driving from Iowa City to go to parties. It's the other way around because we have a reputation and a culture here that supports the drinking and we need to do something that targets the culture and support of drinking.

Schreiber: Do you know which Regent school is in the top 15 of Playboy's National College Party Schools?

Berg: I know the binge-drinking rate at the University of Iowa.

Schrieber: It was Iowa State and not Iowa.

Berg: I know the binge-drinking rate here at Iowa. We would be happy with being mediocre.

O'Donnell: We just sat and talked with a group of legislatures and we're talking about increasing fines. What effect do you think that will have?

Berg: I think it will have some effect but again it has to be along with everything else. I think they doubled the PAULA fines this year and I think that will get some people's attention. If you...you can conceptualize all the drinkers in the world...and all the drinkers in Iowa City...some people are going to go into the bars, they're going to get fake ID's, they're going to pay...nothing is going to deter those people. On the other end there are people, regardless of what we do, will not go into a bar and will not drink. As we move public policy, we include more or less people in those who chose not to drink. Increasing the fine will move the bar a little bit. 21 ordinance will move the bar a little bit. Zoning ordinances can move the bar. Those are all things that we can do that can move that bar in terms of (can't hear).

O'Donnell: Do you think the University of Iowa can take a more active role in this?

Berg: Sure, I think we all can.

O'Donnell: What do you think we can do?

Dobyns: There are multiple areas of leadership in the community. The University is of course one.

O'Donnell: I would like to address specifically the University of Iowa.

Dobyns: Okay, as far as increasing the areas of recreation...that they're already working on in terms of their recreation building. We've discussed with them issues of extended what they did with Planet X. Learning from problems they had with Planet X and going on from there. I think the University is very aware of the ability to...with students that are identified as having problem drinking in addition to the State changes, the Dean of Students Office is very much going after those students and trying to affect some changes. Our own group is working with multiple parties that is developing classes which will begin next year in terms of more healthy behaviors in terms of drinking. Public Health and Health and Human Leisure are working on this and they have two sections already and plan to increase more based on classwork at the University of Minnesota that is currently becoming more popular.

Champion: I also think, Mike, you have to realize even though I'm not sure the 21 ordinance at this point, is that a lot of young people in this community are not U of I students who come here for the weekend or who come here to be entertained.

O'Donnell: I'm aware of that. To me, this is an issue that needs to be addressed by the University of Iowa, the City of Iowa City, the Police Department and the students. I think it's very important that we have all of those voices. In my mind that's the only way that we can make this better.

Bailey: I don't know if you had an opportunity to read Bob's memo in the packet, but I agree with that and I think that's one of the things that Mike is reiterating. Not to shoot a sacred cow – this community – but one of the things that I've noticed since living here is the tailgating on football Saturdays. It creates an interesting culture and I'd be interested in hearing what you're doing to address that because I think that that creates and sets an example and creates the culture in this community far more than our downtown. Our sports drive what we do far more than our cultural district. I would just be interested in hearing ideas for addressing that particular area.

Dobyns: I'd agree with that. I bike from home to work on Melrose on football Saturdays. I'm right there with you. We've mentioned that to the University, that we're very concerned about the need for the University leadership to set forward along with the City in terms of making some changes there. We are a group of people from the community. We can't force anyone to do anything. We can suggest, ask....we've done with the University...I've done with the University with them and their leadership what Ron and I are doing with you right now....having these conversations about these very issues in terms of having them do what they can in

terms of changing the culture. I acknowledge the difficulty of who is going to step forward first.

Vanderhoef: Correct me if I'm wrong, but it seems to me several years ago...and much of the information that I've received from Stepping Up from various studies and so forth...there were statistics about the younger a person starts regular drinking the more apt they are to be in a substance abuse situation – an alcohol as an end result. So, when I look at this whole issue...if that is true, I look at access and if one can delay access on a regular basis...I'm not saying there aren't going to keg parties and so forth, but to leave class, whatever, and walk across the street and get into the bar and be able to use a fake ID and have access to a couple of beers after class instead of a cup of coffee or Coke or whatever. That's one of the access things. Another thing to expand on Ernie's statistics on the percent. Unofficially, I kind of read through the arrest records and use age 25 as a cut-off because I figure we still have students here that have not left but have been here continuously and if you take the 25 and under for the OWI's and Public Intox and so forth and add that into this whole big picture, we've got a culture that definitely is moving higher and higher into this and there isn't anything that says 'Just because you turn 21 you're going to stop drinking' or that you can stop drinking without some intervention. The access is still the biggest problem that I see out there and to change the culture it needs to be the every day culture of what you do after class, what you do to relax with your friend for an hour or two before your dinner and your study time.

Berg: The age of onset...the predictor of whether or not you will develop a problem with substances. The younger the age that you first start drinking on a regular basis, the greater the chances are that you will develop a problem later in life. Controlling access is one of the issues that this is most easily addressed through public policy. The other things that need to go along with it are family education, family support. Those are not as easily reached through public policy as what access can.

Wilburn: I want to go back down...and I guess this will be my final comment or question of you. To your analogy of the family intervention or the group intervention of an individual. I suppose the main point of that is that everyone has a role and it's important for those roles to act in concert to get that person the treatment. I personally look at...you mentioned all the looks...everyone has a different role...I don't look for the City to do treatment. That's what MECCA does. I don't necessarily look at the City to do education. That's where the University and Public Health can come in to play. Even with the City...the role...enforcement and enforcing the liquor laws...and enforcing the State drinking age of 21, it just seems to me that a reason that I've support this...you know, you're talking about focusing on...those things, in my opinion, are in place. We've got RJ, our Police Chief, and they do stop people regardless of their age who are drunk driving and give them the test. They do, if someone is intoxicated, regardless of their age and being served, those things happen...there

is enforcement in place. So, it just seems to me that we have a policy that is not congruent with the rest of your efforts, the University's efforts, and the City's own efforts. Is that a sensible...

Berg: I think you explained my analogy better than I did.

Elliott: He's good. I had a couple of things. One, I think that sometimes...this is a problem, it's a societal problem. Students come here...not only students...but people come here with an immaturity that doesn't allow them to handle alcohol well. They come here with far much more money than they've ever had before. We have proliferation of bars and I say again, I would like...I very much respect and appreciate the work that you do and I hope that we can get a group together. I don't want you people to work on something, and the Stepping Up to work on something and the bar council to work on something, the Council to work on something...I want us all to come together, list the things that are possible, list the things that we can do and then attack that. A couple of things. When you put so much emphasis on 21 and over – you take the emphasis off of the problems. I think that we sometimes start looking for younger drinking and drinkers instead of problem drinkers. You mentioned that the earlier an individual consumes alcohol, the more probability that there will be a problem. How then do you...the people with whom I've talked to have been in Europe in some of the homes where drinking is just a regular staple of their everyday life and they don't have the problems. To me, that's the core. I don't think there is anything we can do about the fact that families are not preparing young people to be mature adults. I want us to get all these groups together, find out what we can do, and I wouldn't vote for 21 and over until we have comprehensively looked at this and addressed this situation to decide what we can do...for instance 21 and over when it happened before, not by ordinance but by practice, there was a...and Rick, you, and I and Ralph talked about this. There was quite a bit of a problem with the private parties which are infinitely more dangerous and more destructive than the bars. I would like to see how we're going to address that because there are so many more private residence in which people live who appear to be part of the drinking problem. So, I want to address this comprehensively and I want to listen very carefully to what you have to say. Jim Clayton handed me a thick piece of material about what the University is doing. I want to look at that very carefully because we all have to work together. 21 and over may be one of the things we need to do. I think we need to look at this as soon as we can, we need to look at it comprehensively, we need to do something effective.

Dobyns: Bob, when you and I talked with Ralph Wilmoth, since then we have met with all the constituencies that Ron mentioned that represent a very diverse group. The downtown bar group – we have met with them and they have been invited to our meetings as well. So, there's been wide opportunities for participation. I'm not exactly sure how much more discussion, like Ron said, we've discussed this at length over a long period of time and certainly with a wide variety of different groups. So, I think we've gotten a lot of opinion and we've certainly made that

available. I think all of you on the Council could speak to the fact that you've got a lot of opinion, a lot of diverse opinion thus far.

Lehman: We've been talking about this almost since the first day I've been on the Council. That's a long time. There has never been a lack of discussion. There has never been a lack of looking at options. We have looked...you weren't on the Council for nine of those years, but we have looked at just about every available option, we always talk about this should be a combined effort and I do believe the University is working at addressing this issue...but I think that for some reason we have real problems with trying to take the first step. It's kind of like we say that people are speeding through a school zone. Some are going eighty miles per hour and some are going one-hundred. The speed limit is twenty. The law is twenty whether you're going one-hundred or you're going eighty – you're still breaking the law. We don't seem to grapple with that. I don't sense at this particular point in time that there is support on the Council to do the sort of things that we have to do. From my perspective here on the table is that this Council is going to wait until at least after the first of the year to give the bar owners an opportunity to come back to us. If my perception is wrong, tell me.

Elliott: I want to get together a group, right now, that sits around a table and looks at everything we can do and say "We can do this, this we can't do...we maybe can do this...let's look at it...these we can't do..." and let's do it.

Lehman: But we know what we can do and we won't do it.

Vanderhoef: We've got our list right in front of us here, Bob. What we can do as leaders at City Council. These are things that we can show that we are interested in changing the perspective of our City. We can do these and we need to be the leaders to bring the others along to do the other things.

Elliott: What are doing about zoning? We haven't really looked at that not since I've been on this Council.

Vanderhoef: That's what I mean. Right here on this memo page, we have the things that we can do.

Champion: I think we ought to do some of them.

Vanderhoef: I think the 21 is the start. The access is the start. Then all of these other things that will get us moving off the dime...talk is cheap and it's been going on for far too long.

O'Donnell: Let me ask a question. We heard at one Council meeting that there was a young girl that had a party with twenty-five kegs. Those kegs did not come from the downtown bars. We heard another party that had twenty or thirty cases of beer. I guarantee you that they did not come from a downtown bar.

Vanderhoef: You were there?

Schreiber: I might have been. (Laughter)

Vanderhoef: Thanks, Jeremy.

O'Donnell: But I guarantee you...there's access to it Dee but the access is throughout the City and what I've said all along...I want Iowa City to be on a level playing field with everyone else around us. That's very important to me.

Lehman: But we aren't with Cedar Rapids, Quad Cities...almost every major city in the state is 21. They come here because they can drink.

O'Donnell: If you think that we can try another Planet X...

Lehman: I'm not talking about that.

O'Donnell: I know, but that was suggested, and put rocks up a wall and climb it...it was participated...the University participated in that and it did not last. The education process is the way to do it. I'm not ready to vilify every student that goes to the University of Iowa and I'm not ready to vilify every business for what I think is the action of very few.

Lehman: We're going to have to continue driving through school zones at 70 miles an hour. Thank you very much.

Champion: There are some things we can talk about and things that we can do before we go to 21.

Bailey: Before we go to 21?

Champion: Before we go to 21...before we vote for going to 21.

Schreiber: We as students absolutely want to be...I promise you not a single student likes walking in to see other people puking, not a single student likes people passed out and having be carried off the hospital. That's exactly why Mark Kresowik and the Executive Committee is trying to get the student perspective involved in the same way of educating and having...what's the date of that Mark? We've already discussed this...Wednesday, May 25<sup>th</sup>...we want to get students to get together and figure out ideas on how we can be a part of this process because we don't want to just lay it on...we don't want to leave it up to you guys because if it goes to 21 we're not on a level playing field with people like Illinois and Indiana and other Big Ten schools in the area because we have no reason to attract people and that's scary because of the intellectual and financial capital. We want to make sure that we have good ideas coming from students where we can help reduce the



culture. We agree that the culture of public intoxication is bad but we don't have the ability to limit access that you guys think and that's what scares me.

Wilburn: I think the ideas and the fact that you're all here and talking about it is wonderful...but I will point out that in the near history...I don't know if you're painting the students as being uninvolved or unempowered but the fact that we don't have a 21 ordinance now shows that the students did have power and were involved.

Schreiber: I agree and I would love to see the students get involved like that. I hope that we can all work together the way that we have been in the recent history.

Champion: There was one thing on Eleanor's list that I asked about and I don't know if it has support from the other Council members...but I really am disappointed that the bars haven't truly incorporated the monitor program that they promised us two years ago or three years ago. When was it? To me, that would be an effective tool to curb some of the excessive drinking downtown. Eleanor said that it would be possible that we could write an ordinance that would demand that they have a monitor for so many persons per occupancy. I do support the bar owners and I really think they're trying and I think it's just going to take them a little longer but there are things that they said they would do every time we've talked about going to a 21 ordinance that still have not been done and one of them was the bar monitors. That was something they brought up when we originally voted down the 21. It was part of the thing that really swayed my vote at the time because I thought it could be effective because some of those bars are very big and people have to go to the bar to get a drink...am I correct? I've not really been to one when they're functioning...those big bars.

Elliott: When you were functioning or they were? (Laughter)

Champion: Do you have to go to the bar to get alcohol or are there wait staff?

Schreiber: Generally you're getting your vast majority of drinks from the actual bar. So, there isn't anybody monitoring where those drinks are going and who is consuming them. You could be falling down drunk at the table and consume another beer. That's the kind of thing I thought this monitoring system could prevent and decrease some of this excess drinking that I think is our problem.

Elliott: I don't know that it lends anything to our discussion but I think as it is with any problem, it's a minority of the entities that are causing a vast majority of the problem and it certainly would be if there is any possible legal way to address that aspect of it that's one of the things that I'd like to see. Is there a possibility to do anything about that?

Bailey: From a safety perspective, because I was out Friday night with police officers, not partying, I didn't graduate so I didn't get to party. Capacity issues. I was

wondering if that's something we can address as well because it does seem to be that between fire codes and safety and also monitoring becomes a larger challenge in a larger venue. I think that's something that we need to look at because the bars get very, very crowded and the big bars get very, very crowded.

Vanderhoef: To go along with that and I'll get Eleanor in on this to. When we're talking about occupancy for the big bars and so forth and in the memo we talk about it has to be the fire department inspection which is an added layer. I don't know whether there is any way that the police officer, who may already be on the premise and walking around, can be the first alert or some such thing to bring someone down or whether they could ask them to clear the bar...that it's overoccupied.

Bailey: We now have a new position that says that occupancy were part of the position. I think maybe there is some linkage there in the fire department.

Dilkes: I think the enforcement of occupancy restrictions is just a question of resources and how we dedicate what resources to it and that's really a question for Steve and RJ and the fire department.

Atkins: I did think it was an issue that you wanted to take on.

Vanderhoef: I want to take it on but I'm looking at the staffing of it.

Atkins: The new fire inspector, part of that responsibility is to do the periodic checks on over-capacity.

Vanderhoef: But I think there ought to be a first step piece in there that maybe the police can even call someone out if they can not clear the bar for occupancy, I don't know what...

Atkins: Clearing the bar, Dee, that's not easy. What you do is stop the entrances at the door as people leave...you say 'fifty people have to leave' or something like that. That's been my experience.

Champion: You wouldn't close it down.

Atkins: No.

O'Donnell: I don't know how long we're going to talk about alcohol. On a positive note, we have business owners downtown now that are actually policing other businesses. I think that's a tremendous step. That's something that we would have never dreamed of. All of us that have discussed this nothing but alcohol. Ernie has been here twenty-two years and I've been here ten. That's an extremely positive thing that is happening downtown. We appointed a commission to look into this and I think they have come up with some ideas. Just think about it as we sat here

seven or eight years ago. We have businesses policing other businesses. That's extremely positive.

Lehman: And we have fifteen more percent more bars and more violations than we ever have.

Vanderhoef: Please don't say that we appointed them because that's not right. Okay, one other thing, Connie. With your monitors...I believe the monitors are great, however I have a problem with the monitors are of the peer group. I think it makes it terribly difficult for a monitor that is nineteen or twenty walking around to walk over and say 'You're not supposed to have alcohol in front of you' and 'You're not to be drinking' and so forth. I think there is a maturity that I would expect in the monitor that is out of the peer group.

Wilburn: That would conflict with state law, wouldn't it?

Dilkes: I think legislating a monitor is going to be very tough. You may legislate a monitor but trying to enforce, trying to make sure that they're doing what you want them to be doing...it's really hard to think about writing that legislation. We could write it. They say the monitor must do such and so and such and so...but enforcing it, gosh, that's going to be tough.

Vanderhoef: It's just like they aren't enforcing it within their own group.

Bailey: Another idea that isn't on this list and I don't know if it's possible...other areas of that done this and this is to license your servers and bartenders, so if there is a violation we require licensed servers in our establishments in Iowa City and if there is a violation of serving somebody who has had too much to drink or is underage then that person can't get a job doing that anywhere in the community. I think that might...that peer group and that pressure might alleviate some because basically somebody is saying 'I'll lose my job, forget about it.'

Dilkes: Although I think that our compliance checks...the stings that they've been doing to determine if servers are serving underage persons. The compliance rate has gone way up...so I think that is a way, in terms of the serving of the alcohol, that progress is being made.

Bailey: I'm just saying that you could reduce some of the peer pressure to serve to underage. You know, you serve and you break the law, you're not employable. Essentially.

Dilkes: One thing that I wanted to bring up is that I had some discussion with Leah after their presentation about these bar crawls the regulation of bar crawls. I don't know whether the group has addressed that as a group and whether they can get some buy in to not honor the bar crawls...the entities honoring the bar crawls...there was talk about them wanting us to legislate that and it's not clear to

me whether there's been some...whether that group has had some ability to get the bar owners to buy into not honoring the bar crawls. I think you need to know what before we would proceed with legislation on that.

Champion: You also mentioned in here when we talked about zoning before...this would be long-term future stuff...but didn't I read somewhere that we could just sell all over town...instead of dividing the town into zones that a bar couldn't be within a bar couldn't be within 500 feet from another bar. Is that in here? Did I read that?

Lehman: Bob Miklow's memo says that some cities have done that.

Dilkes: There are a variety of possibilities with zoning legislation. The proximity of bars, how many in one area, that kind of thing. As Bob's memo pointed out, there are a number of very difficult issues with the zoning. Number one, you've got grandfathering of existing uses. The sale of a bar does not change...if the use is still the same you continue to be grandfathered. There are also that very complicated issue of defining restaurants and bars and if someone anticipates being a bar and therefore...let's say someone anticipates being a restaurant and they move to a bar depending on where your percentage of alcohol and food is, that's going to be a very difficult enforcement.

Champion: Except by doing some kind of zoning we could prevent the growth by any more bars.

Dilkes: But you'd have to grapple with those issues...the restaurant/bar distinction, etc.

Bailey: We don't want to limit new restaurants.

Dilkes: Which is why I think...my recollection is that Council rejected that when they discussed it the last time.

O'Donnell: Well, I don't want to talk any more about this.

**ITEM 9. CONSIDER AN ORDINANCE AMENDING TITLE 14, ENTITLED "UNIFIED DEVELOPMENT CODE," CHAPTER 3, ENTITLED "CITY UTILITIES," ARTICLE H, ENTITLED "SOLID WASTE," SECTION 8, ENTITLED "STORAGE OF SOLID WASTE" BY AMENDING SUBSECTION E, ENTITLED "LOCATION OF SOLID WASTE CONTAINER," AND BY ADDING A NEW SUBSECTION F, ENTITLED "DOWNTOWN SOLID WASTE CONTAINER CODE" TO ESTABLISH A PERMIT SYSTEM FOR STORAGE OF SOLID WASTE CONTAINERS IN THE DOWNTOWN PUBLIC RIGHTS-OF-WAY. (SECOND CONSIDERATION)**

**ITEM 10. CONSIDER A RESOLUTION ADOPTING PERMIT SYSTEM FOR SOLID WASTE CONTAINERS IN THE DOWNTOWN ALLEYS INCLUDING PROVISIONS FOR APPLICATION, ISSUANCE, DURATION, INSPECTION, SUSPENSION, REVOCATION, REMOVAL, FEES, AND INSURANCE.**

- Lehman: Are we ready to wrestle with alleys? Mr. Atkins will you report to us on alleys now that we're all paying attention?
- Atkins: I assume at a meeting a couple of weeks ago that this was a go project and so therefore we've done lots of things in the last couple of weeks. We have changed the alley clean-up schedule. Hopefully you'll see some difference. We now do three days a week and we're doing it between 3:00-7:00 in the morning on Monday's, Wednesday's, and Friday's. We've met with all the haulers. We have an application for dumpsters that has been prepared and is ready to go. There are some minor changes...that's in the ordinances that I need you to adopt so we can proceed. We've ordered stickers, identifying labels to be placed on the dumpsters, we're spec-ing right now a vacuum unit which we would hope to have in place maybe even as early as this summer that will make the alleys hopefully even cleaner. It's going to dual-purpose. We have an idea that we may want to order a vacuum that's big enough. You know how sand gets in the middle of the road in the winter time? Well, we have trouble removing that. The vacuum that we'd like to order would allow us to do that.
- Lehman: A super sucker, eh?
- Atkins: A super sucker, yes. There were some questions about why I didn't talk to the property owners. I did not. I did talk to some who called out of curiosity. There are eighty property owners in the downtown. I did not deliberately call a meeting of the businesses. I estimate that there are about two-hundred businesses in the downtown. I made the assumption that you say clean up the alleys – we're pressing ahead and we're cleaning up the alleys.
- Champion: They look a lot cleaner today.
- O'Donnell: They look good.
- Champion: The only question I had was the time zone for the dumpsters being emptied. That seems pretty narrow to me.
- Atkins: We didn't have one. We allow the haulers and the business to make that decision.
- Champion: I thought you had it in the memo.
- Atkins: In the memo we talked about it. No, we're not going to do that. I want as much of a relationship between the hauler and the business to occur naturally without City regulation. What we're regulating is those dumpsters need to be clean, locked, licensed, and then I'm hoping with that, that that will take care of most everything.
- Vanderhoef: What are we looking at for license fees?

- Atkins: \$25 we're estimating. \$50 for the grease.
- Karr: First year is free.
- Bailey: First year is free.
- Champion: What about...how are we going to handle people dumping trash on top of the dumpsters?
- Atkins: We will make the assumption that it's hauler A that owns that dumpster and there's trash on the top of it then hauler A is who we talk to. You'll need to call in a complaint or we'll handle it routinely. I think many of those are going to go away. We believe it's going to go away. The pricing is between you and your hauler. If they charge you more...the haulers, according to Rod, the superintendent of refuse, are so far pretty much on board. They know what we expect of them – that we want it clean.
- Bailey: So when can we move to the front of the buildings? (Laughter)
- Atkins: Give me two more weeks on the back of the buildings...
- Elliott: The front of the buildings and the middle of the streets for parking.
- Champion: It looked nice for graduation.
- Atkins: We believe that if we stay ahead of it, we're going to do to okay. With three times a week, we think we can stay ahead of it.
- Lehman: Any other questions for Steve?
- Atkins: Any other suggestions, just let me know. I'm trying to do as minimally-intrusive things as possible.
- Champion: Litter begets litter. Ugliness begets litter.
- Atkins: Ungodliness?
- Bailey: Forget about it. (Laughter)

### **COUNCIL TIME**

- Lehman: Any council time?
- O'Donnell: Tomorrow night.

Schreiber: Can I just say real quick? A student, actually one of the executive members, asked me to ask you guys...they're doing the Iowa Pride Parade, the LGBT is and they would love to have some City Council representation possibly...somebody maybe marching in the parade or something along those lines.

Champion: When are they doing it?

Schreiber: I believe it's June 18 and I think it's a great thing to show support.

Elliott: June when?

Schreiber: I will definitely be marching.

Vanderhoef: I have marched in it before.

Bailey: I usually attend.

O'Donnell: Why don't you drive the convertible?

Schreiber: I'll have him come in tomorrow and talk about it.

Lehman: Okay, tomorrow night.