

Urbandale City Council Minutes  
January 11, 2011

Mayor Andeweg performed the swearing in ceremony for new Police Officer Brian Butcher. Officer Butcher and his family were welcomed to the Urbandale Police Department and the City of Urbandale.

The Urbandale City Council met in regular session on Tuesday, January 11, 2011, at 7:00 p.m. in the Council Chambers, 3600 86<sup>th</sup> Street, with Mayor Robert D. Andeweg presiding. Answering roll call were the following Council Members: Tom Gayman, Mike Carver, John Forbes, Ron Pogge, Mary Polson. Absent: none. Also present were Assistant City Manager Su Zanna K. Prophet, City Attorney Bob Laden, Assistant to the City Manager John Konior, Community Development Director Paul Dekker, Building Official Maurice Dudley, Building Associate Roger Schemmel, Police Chief Ross McCarty, Police Lieutenants Doug Hobart, Rob Johansen, Kent Knopf and Terry Nielsen, Police Sergeants Gary Lang, Matt Logsdon, Steve Shivers, Don Simpson and Dan Stein, Police Officer Brian Butcher, Director of Engineering and Public Works Dave McKay, Human Resources Director Jennifer Hubbard, Fire Chief Jerry Holt, Fire Marshal Jon Rech, City Clerk Deb Mains. City Manager A.J. Johnson arrived at 7:20 p.m.

Mayor Andeweg recited the CHARACTER COUNTS! statement.

Polson moved, seconded by Pogge to approve the Agenda as posted. On roll call, Ayes: Polson, Pogge, Gayman, Forbes, Carver. Nays: none. Motion carried.

Gayman moved, seconded by Forbes to approve the December 28, 2010 Council minutes as written. On roll call, Ayes: Gayman, Forbes, Carver, Polson, Pogge. Nays: none. Motion carried.

Forbes moved, seconded by Gayman to approve the Consent Agenda as listed under Item No. 6. On roll call, Ayes: Forbes, Gayman, Pogge, Polson, Carver. Nays: none. Motion carried.

Forbes moved, seconded by Gayman to authorize the payment of warrants as listed on Bill Lists 12-30-2010 and 01-06-2011. On roll call, Ayes: Forbes, Gayman, Pogge, Polson, Carver. Nays: none. Motion carried.

Forbes moved, seconded by Gayman to approve a renewal Class C Beer Permit for Kum & Go #574, 8600 Meredith Drive. On roll call, Ayes: Forbes, Gayman, Pogge, Polson, Carver. Nays: none. Motion carried.

Forbes moved, seconded by Gayman to approve the third and final reading of Ordinance No. 2010-20 Repealing Chapter 35, Entitled Fire And Rescue Department, Of The Code Of Ordinances Of The City Of Urbandale, 1999, And To Adopt New Chapter 35, Entitled Fire And EMS Department. On roll call, Ayes: Forbes, Gayman, Pogge, Polson, Carver. Nays: none. Motion carried.

Forbes moved, seconded by Gayman to approve Resolution 05-2011 Accepting Aurora Avenue Pedestrian Beacons Project, and authorize final payment, in the amount of \$1,063.02, to Baker Electric, Inc. On roll call, Ayes: Forbes, Gayman, Pogge, Polson, Carver. Nays: none. Motion carried.

Forbes moved, seconded by Gayman to approve Resolution 06-2011 Accepting Police Station Access Drive Project, and authorize final payment, in the amount of \$4,888.81, to Gator Excavating. On roll call, Ayes: Forbes, Gayman, Pogge, Polson, Carver. Nays: none. Motion carried.

Forbes moved, seconded by Gayman to approve Resolution 07-2011 Accepting North Raccoon Valley Trail Bridge Project, and authorize final payment, in the amount of \$7,672.42, to Herberger Construction Company. On roll call, Ayes: Forbes, Gayman, Pogge, Polson, Carver. Nays: none. Motion carried.

Forbes moved, seconded by Gayman to receive the September 27, 2010 Public Library Foundation minutes, the November 22, 2010 Public Library Board of Trustees minutes, the October 19 and November 16, 2010 Board of Appeals minutes, and the December, 2010 Monthly Building Department Report. On roll call, Ayes: Forbes, Gayman, Pogge, Polson, Carver. Nays: none. Motion carried.

Mayor Andeweg stated that publication had been completed as required by State law for the public hearing to consider the "Hickman Self-Storage Facility" request for amendment to the Urbandale Fire Code, and asked if there were any objections to the form of the notice. There were none.

Polson moved, seconded by Forbes to open the public hearing. On roll call, Ayes: Polson, Forbes, Carver, Gayman, Pogge. Nays: none. Motion carried.

Paul Dekker reviewed the proposed Fire Code amendment request with the Council and presented the recommendation for denial from the Board of Appeals. Chief Holt presented the Fire Department staff's recommendation for denial of the request.

Brad Vander Linden, Hickman LLC, spoke in support of the Fire Code amendment, citing the significant expense of installing fire sprinklers and the low risk of fire in a self-storage facility.

Three adjoining property owners opposed the requested Fire Code amendment, citing public safety concerns.

Polson moved, seconded by Pogge to close the public hearing. On roll call, Ayes: Polson, Pogge, Gayman, Forbes, Carver. Nays: none. Motion carried.

Discussion was held among Council Members.

Following discussion, Carver moved, seconded by Gayman to approve the first reading of Ordinance No. 2011-01 Amending Urbandale Fire Code To Allow Non-Sprinklered Self-Storage Buildings Up To 12,000 Square Feet Of Total Floor Area, subject to the inclusion of security and fire detection protections in the ordinance. Following additional discussion, on roll call, Ayes: Carver, Gayman, Pogge. Nays: Polson, Forbes. Motion carried. (It is the intent that the requested security and fire detection requirements be written into the ordinance and that a complete ordinance be presented for second reading at the January 25, 2011 City Council meeting.)

Following discussion, Polson moved, seconded by Pogge to approve Resolution 02-2011 Amending Deferred Compensation Plan, allowing the City Manager discretion in selecting the number of provider and implementing recommendations of the Deferred Compensation Review Panel. On roll call, Ayes: Polson, Pogge, Gayman, Forbes, Carver. Nays: none. Motion carried.

Following discussion, Polson moved, seconded by Pogge to approve Bernie Lowe & Associates as the City's health and benefit insurance broker/consultant, beginning March 1, 2011. On roll call, Ayes: Polson, Pogge, Gayman, Forbes, Carver. Nays: none. Motion carried.

Following discussion, Polson moved, seconded by Gayman to approve Resolution 03-2011 Approving "Hickman Commercial Plat 2" Final Plat (2429-2499 104<sup>th</sup> Street), subject to recommendations of the Planning and Zoning Commission. On roll call, Ayes: Polson, Gayman, Forbes, Carver, Pogge. Nays: none. Motion carried.

Following discussion, Carver moved, seconded by Pogge to approve the "Carmax" Site Plan No. 012-2010-17.00 (10315 Hickman Road), subject to recommendations of the Planning and Zoning Commission. On roll call, Ayes: Carver, Pogge, Polson, Forbes, Gayman. Nays: none. Motion carried.

Following discussion, Forbes moved, seconded by Carver to approve Resolution 04-2011 Establishing January 25, 2011 Date of Public Hearing to consider the vacation of an easement agreement for access at 2429-2499 104<sup>th</sup> Street and 10315 Hickman Road. On roll call, Ayes: Forbes, Carver, Polson, Pogge, Gayman. Nays: none. Motion carried.

Polson moved, seconded by Pogge to approve Resolution 01-2011 Declaring an Official Intent Under Treasury Regulation 1.150-2 to Issue Debt to Reimburse the City for Certain Original Expenditures Paid in Connection with Specified Projects for the 128<sup>th</sup> Street Widening – Hickman Road to Douglas Parkway. On roll call, Ayes: Polson, Pogge, Gayman, Forbes, Carver. Nays: none. Motion carried.

Following discussion, Pogge moved, seconded by Forbes to approve Resolution 08-2011 Accepting Work for the 128<sup>th</sup> Street Sidewalk Assessment Project – Meredith Drive to North Corporate Limits. On roll call, Ayes: Pogge, Forbes, Carver, Gayman, Polson. Nays: none. Motion carried.

Pogge moved, seconded by Forbes to approve Resolution 09-2011 Ordering Preparation of Final Plat and Schedule of Assessments for the 128<sup>th</sup> Street Sidewalk Assessment Project – Meredith Drive to North Corporate Limits. On roll call, Ayes: Pogge, Forbes, Carver, Gayman, Polson. Nays: none. Motion carried.

Pogge moved, seconded by Forbes to approve Resolution 10-2011 Adopting and Levying Final Schedule of Assessments, and Providing for the Payment Thereof for the 128<sup>th</sup> Street Sidewalk Assessment Project – Meredith Drive to North Corporate Limits. On roll call, Ayes: Pogge, Forbes, Carver, Gayman, Polson. Nays: none. Motion carried.

Carver moved, seconded by Polson to go into closed session pursuant to Iowa Code §21.5(1)(j). On roll call, Ayes: Carver, Polson, Pogge, Gayman, Forbes. Nays: none. Motion carried.

The meeting was closed to the public at 8:45 p.m.

The meeting was opened to the public at 9:00 p.m. No action was taken on items discussed in closed session.

Polson moved, seconded by Pogge to adjourn at 9:00 p.m. On roll call, Ayes: Polson, Pogge, Gayman, Forbes, Carver. Nays: none. Motion carried.

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Robert D. Andeweg, Mayor

Attest:

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Debra Mains, City Clerk