



## City Council Information Packet

September 29, 2022

**IP1.** Council Tentative Meeting Schedule

### **October 3 Work Session**

**IP2.** Work Session Agenda

**IP3.** Pending City Council Work Session Topics

### **Miscellaneous**

**IP4.** Memo from City Clerk: Joint Entities Agenda Items for October 17

**IP5.** Civil Service Examination: Housing Receptionist

### **Draft Minutes**

**IP6.** Community Police Review Board: September 13



September 29, 2022

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## Council Tentative Meeting Schedule

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### **ATTACHMENTS:**

Description

Council Tentative Meeting Schedule



# City Council Tentative Meeting Schedule

*Subject to change*

**September 29, 2022**

<u><b>Date</b></u>	<u><b>Time</b></u>	<u><b>Meeting</b></u>	<u><b>Location</b></u>
Monday, October 3, 2022	4:00 PM	Work Session	City Hall, Emma J. Harvat Hall 410 E. Washington Street
	6:00 PM	Formal Meeting	
Monday, October 17, 2022	4:30 PM	Joint Entities Meeting Hosted by City of Iowa City	City Hall, Emma J. Harvat Hall 410 E. Washington Street
Tuesday, October 18, 2022	4:00 PM	Work Session	City Hall, Emma J. Harvat Hall 410 E. Washington Street
	6:00 PM	Formal Meeting	
Tuesday, November 1, 2022	4:00 PM	Work Session	City Hall, Emma J. Harvat Hall 410 E. Washington Street
	6:00 PM	Formal Meeting	
Tuesday, November 15, 2022	4:00 PM	Work Session	City Hall, Emma J. Harvat Hall 410 E. Washington Street
	6:00 PM	Formal Meeting	
Tuesday, December 6, 2022	4:00 PM	Work Session	City Hall, Emma J. Harvat Hall 410 E. Washington Street
	6:00 PM	Formal Meeting	



September 29, 2022

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## Work Session Agenda

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### **ATTACHMENTS:**

Description

Work Session Agenda



**CITY OF IOWA CITY**

410 East Washington Street  
Iowa City, Iowa 52240-1826  
(319) 356-5000  
(319) 356-5009 FAX  
[www.icgov.org](http://www.icgov.org)

**Iowa City  
City Council Work Session Agenda  
October 3, 2022 - 5:00 PM  
Emma J. Harvat Hall  
410 E. Washington Street  
[www.icgov.org](http://www.icgov.org)**

**Meeting Rules can be found at: [icgov.org/meetingrules](http://icgov.org/meetingrules)**

**You can watch the meeting on cable channel 4 (118.2 QAM) in Iowa City, University Heights and Coralville, or you can watch it online at any of the following websites:**

- <https://citychannel4.com/live>
- <https://www.youtube.com/user/citychannel4/live>
- <https://facebook.com/CityofIowaCity>

- Capitol Projects Update
- Clarification of Agenda Items
- Information Packet Discussion [September 22, September 29]
  - Council direction needed on the following items:
    1. (9/22) IP2 Memo from Parks & Recreation Director: Happy Hallow Park Review of Public Input and Recommendations from Parks & Recreation Commission
    2. (9/29) IP4 Memo from City Clerk: Joint Entities Meeting Agenda Items for October 17
- University of Iowa Student Government (USG) Updates
- Council updates on assigned boards, commissions, and committees



September 29, 2022

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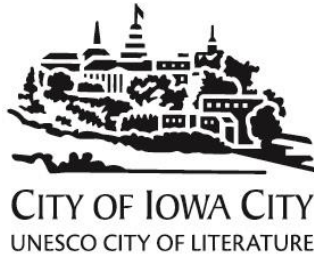
## Pending City Council Work Session Topics

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### **ATTACHMENTS:**

Description

Pending City Council Work Session Topics



## **PENDING CITY COUNCIL WORK SESSION TOPICS**

**September 29, 2022**

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### **Other Topics:**

1. Consider a plan for rubberized surfacing at park playgrounds and develop strategies to address equity gaps noted in the Parks Master Plan and plan for the equitable distribution of destination parks within an easy and safe distance of all residents.
2. Discuss possible changes to residential zoning classifications to allow and/or require a greater diversity of housing types (i.e. missing middle)
3. Consider establishing a cost of development framework that can help guide decisions on how best to accommodate future growth
4. Review low-income fare free transit options
5. Review Sunday transit service operational proposal
6. Discuss low-intensity commercial use allowances in residential zones
7. Discuss long-term planning work group priorities
8. Discuss Local Option Sales Tax
9. Discuss a land acknowledgement for City Council meetings
10. Strategic Planning sessions
11. Climate Action Initiative Update
12. Parks and Recreation Master Plan
13. Quarterly American Rescue Plan Act Update



September 29, 2022

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## Memo from City Clerk: Joint Entities Agenda Items for October 17

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### **ATTACHMENTS:**

Description

Memo from City Clerk: Joint Entities Agenda Items for October 17





# CITY OF IOWA CITY MEMORANDUM

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Date: September 28, 2022  
To: Mayor and City Council  
From: Kellie Fruehling, City Clerk  
Re: Joint Entities Meeting Agenda Items for October 17

The next joint meeting with City Councils of Johnson County municipalities, the Johnson County Board of Supervisors, the Iowa City School District and neighboring school districts will be held on Monday, October 17, 2022. The meeting will be hosted by the City of Iowa City.

Please come prepared to discuss agenda items you would like to include on that agenda at the next Council work session on October 3rd.

A complete agenda and meeting date confirmation will be available in your packet preceding the October 17th joint meeting.



September 29, 2022

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## Civil Service Examination: Housing Receptionist

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### **ATTACHMENTS:**

Description

Civil Service Examination: Housing Receptionist



**CITY OF IOWA CITY**

410 East Washington Street  
Iowa City, Iowa 52240-1826  
(319) 356-5000  
(319) 356-5009 FAX  
[www.lcgov.org](http://www.lcgov.org)

August 31, 2022

TO: The Honorable Mayor and the City Council

RE: Civil Service Entrance Examination – Housing Receptionist

Under the authority of the Civil Service Commission of Iowa City, Iowa, I do hereby certify the following named person(s) as eligible for the position of Housing Receptionist.

Mary Hernandez

**Iowa City Civil Service Commission**

*Ann Rhodes, Chair*

Ann Rhodes, Chair



September 29, 2022

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## Community Police Review Board: September 13

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### **ATTACHMENTS:**

Description

Community Police Review Board: September 13

**COMMUNITY POLICE REVIEW BOARD  
MINUTES – SEPTEMBER 13, 2022**

CALL TO ORDER: Vice-Chair Orville Townsend called the meeting to order at 5:30 p.m.

MEMBERS PRESENT: Ricky Downing, Melissa Jensen, Jerri MacConnell,  
Saul Mekies, Orville Townsend, Stuart Vander Vegte (5:35 p.m.)

MEMBERS ABSENT: Amanda Nichols

STAFF PRESENT: Staff Tammy Neumann, Legal Counsel Patrick Ford

OTHERS PRESENT: Iowa City Police Captain Denise Brotherton, CPRB Liaison – Councilor  
Laura Bergus, Deputy City Manager Redmond Jones

**RECOMMENATIONS TO COUNCIL**

- (1) Accept CPRB #22-06 Report
- (2) Accept CPRB #22-07 Report

**CONSENT CALENDAR**

Motion by MacConnell, seconded by Jensen to adopt the consent calendar as presented.

- Minutes of the meeting on 08/16/22
- ICPD Policy 304 (Conducted Energy Device)
- ICPD Policy 1033 (Wellness Program)

Motion carried 5/0. Nichols and Vander Vegte absent.

**NEW BUSINESS**

Select Nominating Committee – Mekies and MacConnell volunteered to be on the nominating committee. They will report back to the Board with recommendations for Chair and Vice Chair at the next meeting.

Discuss CPRB Board Powers (8-8-8(B)(1) "On its own motion, by a simple majority vote of all members of the board, the board may file a complaint." - MacConnell stated she has some concerns about a Board member having the ability to submit a complaint on the Board's behalf based on videos seen on the news and on social media. She referred to a statement made by previous Chairman Selmer who said the Board could only respond to complaints that were filed by a citizen and if a Board member saw something they had a concern about, they could file a complaint individually as a citizen. She explained she is following two principles. First is to be fair and to protect the integrity of the Board. Second, she strongly objects to a complaint being filed based on something that was posted on social media or was seen on the news. She noted the Board has always stated that a complaint can only be filed by someone who was "in the vicinity and saw it with their own eyes." She pointed out if the Board can do this, then what is stopping the public from filing complaints based on social media and the news as well. She shared if this situation comes up in a future meeting, she will abstain to save the Board's integrity. Jensen stated she shares in MacConnell's concerns. She noted it is difficult for the Board to be objective when filing a complaint based on social media etc. Townsend shared that having worked with

people with mental illness, he understands they are quite vulnerable, and as such are not going to file a complaint on their own. Townsend thinks removing this option from the ordinance may exclude these individuals. He said it is necessary for the Board to protect the vulnerable population. MacConnell reminded Townsend that individuals are invited to have a support person assist them in the process. Ford explained that the ordinance allows a board member to make a motion to file a complaint and putting it to vote by the Board. If approved, a board member will file a complaint on behalf of the entire board. He said to remove this power would require approval by the Board and then Council. Jensen said while the ordinance gives the Board the power to file a complaint, it is necessary to take into consideration of the concerns of all Board Members. Vander Vegte shared that after seeing a particular incident on social media and on the news, he felt it was necessary for the Board to further investigate the incident. He pointed out that in an instance where a person may have a criminal record, they are not likely to file a complaint on their own. He further noted it is important for the Board protect the public while also having a good relationship with the police officers who are here to serve and protect. If the Board were to file a complaint, it would allow members to view the body-cam video may provide more of the necessary information. Ford suggested perhaps the Board could suggest an amendment to the item in the ordinance to include specific parameters to be met prior to filing a report. Townsend asked MacConnell put some notes together regarding the potential ordinance amendment and to let the Board know when she has this complete so it can be added to a future agenda.

#### **OLD BUSINESS**

None

#### **PUBLIC DISCUSSION**

None

#### **BOARD INFORMATION**

None

#### **STAFF INFORMATION**

Jensen expressed her desire to move the meetings back to the Helling Conference Room stating it is easier to hear other board members speak and it puts the members as a closer proximity to the big screen when viewing reports etc. This item will be added to the October agenda for further discussion.

#### **MEETING SCHEDULE and FUTURE AGENDAS**

- October 11, 2022 5:30 PM, Emma J. Harvat Hall
- November 8, 2022, 5:30 PM, Emma J. Harvat Hall
- December 13, 2022, 5:30 PM, Emma J. Harvat Hall
- January 10, 2022 5:30 PM Emma J. Harvat Hall

#### **EXECUTIVE SESSION**

Motion by Jensen, seconded by Vander Vegte, to adjourn into Executive Session based on Section 21.5(1)(a) of the Code of Iowa to review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that government body's possession or continued receipt of federal funds, and 22.7(11) personal information in confidential personnel records of public bodies including but not limited to cities, boards of supervisors and school districts, and 22-7(5) police officer investigative reports, except where disclosure is authorized elsewhere in the Code; and 22.7(18) Communications not required by law, rule or procedure that are

CPRB  
September 13, 2022

made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination.

Motion carried 6/0. Nichols absent. Open session adjourned at 5:50 p.m.

#### **REGULAR SESSION**

Returned to open session at 6:21 p.m.

Motion by Jensen, seconded by Vander Vegte, to accept CPRB Report #22-06 as amended and forward to City Council.

Motion carried 5/0. Mekies abstained. Nichols absent.

Motion by Vander Vegte, seconded by Jensen, to accept CPRB Report #22-07 as amended and forward to City Council.

Motion carried 6/0. Nichols Absent.

#### **ADJOURNMENT**

Moved by Mekies, seconded by Vander Vegte to adjourn the meeting at 6:25 p.m.

Motion carried 6/0. Nichols absent.

**COMMUNITY POLICE REVIEW BOARD  
ATTENDANCE RECORD  
YEAR 2021 - 2022**

**(Meeting Date)**

NAME	9/20/21	10/12/21	11/1/21	11/9/21	12/13/21	01/11/22	02/08/22	03/08/22	04/08/22	04/20/22 FORUM	05/10/22	06/14/22	07/12/22	08/16/22	09/13/22
Ricky Downing	---	---	---	---	---	---	---	---	X	X	X	X	X	X	X
Melissa Jensen	---	---	---	---	---	---	---	---	X	X	X	O	X	X	X
Jerri MacConnell	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Saul Mekies	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Amanda Nichols	X	X	X	X	X	X	X	X	O/E	X	X	X	X	O/E	O/E
Theresa Seeberger	X	X	X	X	O	O	---	---	---	---	---	---	---	---	---
Orville Townsend	X	X	X	O/E	X	X	X	X	X	X	X	X	X	X	X
Stuart Vander Vegte	---	---	---	---	---	---	---	---	X	X	O/E	O/E	X	O/E	X

KEY: X = Present  
O = Absent  
O/E = Absent/Excused  
NM = No meeting  
--- = Not a Member



## COMMUNITY POLICE REVIEW BOARD

A Board of the City of Iowa City  
410 East Washington Street  
Iowa City, IA 52240-1826  
(319) 356-5041

September 13, 2022

To: City Council  
Complainant  
City Manager  
Chief of Police  
Officer(s) involved in complaint

From: Community Police Review Board

**Re: Investigation of CPRB Complaint # 22 - 06**

This is the Report of the Community Police Review Board's (the "Board") review of the investigation of Complaint CPRB # 22 - 06 (the "Complaint").

### **BOARD'S RESPONSIBILITY:**

Under the City Code of the City of Iowa City, the Board's responsibilities are as follows:

1. The Board forwards all complaints to the Police Chief, who completes an investigation. (Iowa City Code Section 8-8-7(A).)
2. When the Board receives the Police Chief's report, the Board must select one or more of the following levels of review, in accordance with Iowa City Code Section 8-8-7(B)(1):
  - a. On the record with no additional investigation.
  - b. Interview /meet with complainant.
  - c. Interview /meet with named officer(s) and other officers.
  - d. Request additional investigation by the police chief, or request police assistance in the board's own investigation.
  - e. Perform its own investigation with the authority to subpoena witnesses.
  - f. Hire independent investigators.
3. In reviewing the Police Chief's report, the Board must apply a "reasonable basis" standard of review. This means that the Board must give deference to the Police Chief's report, because of the Police Chief's professional expertise. (Iowa City Code Section 8-8-7(B)(2)).)
4. According to Iowa City Code Section 8-8-7(B)(2), the Board can recommend that the Police Chief reverse or modify the Chief's findings only if:
  - a. The findings are not supported by substantial evidence; or
  - b. The findings are unreasonable, arbitrary, or capricious; or
  - c. The findings are contrary to a police department policy or practice, or any federal, state, or local law.

5. When the Board has completed its review of the Police Chief's report, the Board issues a public report to the city council. The public report must include: (1) detailed findings of fact; and (2) a clearly articulated conclusion explaining why and the extent to which the complaint is either "sustained" or "not sustained ". (Iowa City Code Section 8-8-7(B)(3)).)
6. Even if the Board finds that the complaint is sustained, the Board has no authority to discipline the officer involved.

### **BOARD'S PROCEDURE:**

The Complaint was initiated by the Complainant on April 7, 2022. As required by Section 8-8-5(B) of the City Code, the Complaint was referred to the Chief of Police for investigation.

The Chief's Report was filed with the City Clerk on June 1, 2022. As per Section 8-8-6(D) of the City Code, the Complainant was given the opportunity to respond to the Chief's report.

The Board voted on July 12, 2022 to apply the following Level of Review to the Chief's Report: on the record with no additional investigation, pursuant to Iowa City Code Section 8-8-7(B)(1)(a).

The Board met to consider the Report on July 12, 2022, August 16, 2022, and September 13, 2022.

Prior to the July 12, 2022 meeting, the Board had the opportunity to review the complaint and the Police Chief's report, and to watch and listen to body worn camera and/or in-car camera footage showing the interaction between the officers and complainant.

### **FINDINGS OF FACT:**

Complainant called police about a verbal altercation between him and employees at Hy Vee. He felt he had a dissatisfactory engagement with employees. Police were dispatched. The underlying basis for the altercation between the complainant and the store employees was unclear. When police arrived, complainant was unhappy with treatment of the complaint and how the police officers treated the complainant. These are the things that the complainant felt were not done according to procedure.

### **ALLEGATION 1 – Neglect of Duty – Violation of ICPD Rules and Regs 315 Duty Responsibilities**

– Officers shall respond to requests for police assistance from members of the public.

**Chief's Conclusion** – Not Sustained

**Board's Conclusion** – Not Sustained

**Basis for Board's Conclusion** – The complainant alleged the officers involved were somehow neglectful in their duties in dealing with complainant's situation. "Both officers listened patiently to the Complainant voice his complaints about a private business, Hy-Vee. However, the officers determined that the employees did not assault or harass the Complainant, so there was no criminal act for the officers to investigate. One officer tried to explain that the situation was not a police matter, and would be best handled by filing a complaint with Hy-Vee management. The other officer told the Complainant the officer did not know how the officers could help the Complainant, and asked how they could help. The officers were called to the scene by Hy-Vee management – not by the Complainant. There is nothing to support the Complainant's allegations that the officers did not respond to a request for police assistance. After reviewing body cam footage, the Board felt there was no basis to the allegation."

**ALLEGATION 2 – Officer’s business cards were not provided – Violation of ICPD Rules and Regs Rule 335.10 Department Business Cards** – A personalized card may be used by officers.

**Chief’s Conclusion** – Not Sustained

**Board’s Conclusion** – Not Sustained

**Basis for Board’s Conclusion** - The complainant alleged the officers involved did not have business cards with them. According to rule 335.10, Officers are not required to have business cards on hand, but it is considered the best practice. One of the officers did give their badge numbers and names to the complainant. Therefore, the Board felt there was no basis to the allegation.

**ALLEGATION 3 – Discourtesy – Violation of ICPD Rules and Regs 320.04 Courtesy** – Members shall be courteous and orderly in their dealings with the public.

**Chief’s Conclusion** – Not Sustained

**Board’s Conclusion** – Not Sustained

**Basis for Board’s Conclusion** - The complainant alleged the officers involved were discourteous in the execution of their duty. Both officers were patient, professional and compassionate to the complainant. Both officers behaved courteously and were clearly interested in the complainant’s well-being. The officers offered advice to the complainant on how to remedy the matter to his satisfaction. After reviewing body cam footage, the Board felt there was no basis to the allegation.

**COMMENTS:** The Board agrees that carrying of business cards is best practice.

FILED  
2022 SEP 14 AM 10:34  
CLERK  
CITY OF INDIANAPOLIS

## COMMUNITY POLICE REVIEW BOARD

A Board of the City of Iowa City  
410 East Washington Street  
Iowa City, IA 52240-1826  
(319) 356-5041

September 13, 2022

To: City Council  
Complainant  
City Manager  
Chief of Police  
The officer(s) involved in complaint

From: Community Police Review Board

**Re: Investigation of CPRB Complaint #22-07**

This is the Report of the Community Police Review Board's (the "Board") review of the investigation of Complaint CPRB #22-07 (the "Complaint").

### **BOARD'S RESPONSIBILITY:**

Under the City Code of the City of Iowa City, the Board's responsibilities are as follows:

1. The Board forwards all complaints to the Police Chief, who completes an investigation. (Iowa City Code Section 8-8-7(A).)
2. When the Board receives the Police Chief's report, the Board must select one or more of the following levels of review, in accordance with Iowa City Code Section 8-8-7(B)(1):
  - a. On the record with no additional investigation.
  - b. Interview /meet with complainant.
  - c. Interview /meet with named the officer(s) and other the officers.
  - d. Request additional investigation by the police chief, or request police assistance in the board's own investigation.
  - e. Perform its own investigation with the authority to subpoena witnesses.
  - f. Hire independent investigators.
3. In reviewing the Police Chief's report, the Board must apply a "reasonable basis" standard of review. This means that the Board must give deference to the Police Chief's report, because of the Police Chief's professional expertise. (Iowa City Code Section 8-8-7(B)(2)).)
4. According to Iowa City Code Section 8-8-7(B)(2), the Board can recommend that the Police Chief reverse or modify the Chief's findings only if:
  - a. The findings are not supported by substantial evidence; or
  - b. The findings are unreasonable, arbitrary, or capricious; or

- c. The findings are contrary to a police department policy or practice, or any federal, state, or local law.
5. When the Board has completed its review of the Police Chief's report, the Board issues a public report to the city council. The public report must include: (1) detailed findings of fact; and (2) a clearly articulated conclusion explaining why and the extent to which the complaint is either "sustained" or "not sustained ". (Iowa City Code Section 8-8-7(B)(3)).
6. Even if the Board finds that the complaint is sustained, the Board has no authority to discipline the officer involved.

#### **BOARD'S PROCEDURE:**

The Complaint was initiated by the Complainant on May 19, 2022. As required by Section 8-8-5(B) of the City Code, the Complaint was referred to the Chief of Police for investigation.

The Chief's Report was filed with the City Clerk on July 8, 2022. As per Section 8-8-6(D) of the City Code, the Complainant was given the opportunity to respond to the Chief's report.

The Board voted on August 16, 2022 to apply the following Level of Review to the Chief's Report: On the record with no additional investigation, pursuant to Iowa City Code Section 8-8-7 (B)(1)(a).

The Board met to consider the Report on July 8, 2022, August 16, 2022, and September 13, 2022.

Prior to the July 12, 2022 meeting, the Board had the opportunity to review the complaint and the Police Chief's report. At the July 12, 2022 meeting, the board had the opportunity to watch and listen to body worn camera and/or in-car camera footage showing the interaction between the officer and the complainant.

#### **FINDINGS OF FACT:**

On 3/29/2022, the officer took a phone request for a theft and returned the call. The Complainant advised she had hired a mover in 2020 to move belongings from a location in Iowa City to a location in Texas, and pieces of her property were not delivered after paying for the services. The officer advised the Complainant that it was a civil matter and not criminal. The Complainant then left another message for the officer with the mover's contact information. The officer spoke with the mover and then contact the Complainant, advising her of the conversation with the mover, and suggested to her to work out the situation with the mover.

On 4/13/2022, additional calls from the Complainant were received by a supervisor, who emailed the officer. The officer contacted the Complainant on 4/15/2022, and advised her if the Complainant wanted to make a fraud report, she should work with her bank. An additional call was received by a supervisor from the Complainant on 5/19/2022, an email was sent to the officer, who returned a call to the Complainant on 5/21/2022 when he returned from time off. The Complainant emailed the officer her bank statement, and the officer advised he would let her know if there was anything criminal. The officer determined the issue was still a civil matter.

The officer had no unanswered contacts from the Complainant and all calls were recorded. The Cedar Rapids Police Department was originally contacted by the Complainant on 5/22/2020, she was advised the matter was civil and referred to the Iowa City Police Department as the reported transaction occurred in Iowa City. The Complainant did not contact Iowa City until 3/29/2022.

On 6/8/2022, the Complainant was contacted by a supervisor from ICPD who advised the Complainant the situation was a civil matter. The supervisor discussed the reasons why with the Complainant, and case number was provided for her insurance company.

**COMPLAINANT'S ALLEGATION #1 – Neglect of duties**

**Chief's conclusion:** Not sustained

**Board's conclusion:** Not sustained

**Basis for the Board's conclusion:** The Complainant alleges that the officer refused to help her regarding an alleged stolen credit card and stolen property, and failed to return emails or call the Complainant back. The officer returned every request he received to contact the Complainant. A review of the Information supports this conclusion. There may have been a misunderstanding on the part of the Complainant about what the police were doing, and she believed it to be criminal, however the Complainant had been advised on more than one occasion, the matter was civil and not criminal. The Complainant's claims were documented to assist her with the civil process. The officer's actions were not in violation of policy.

**COMMENTS:** None

2022 SEP 14 AM 9:55  
ICPD  
CITY 10174