
City of Cedar Rapids

Historic Preservation Commission

Community Development Department, City Hall, 101 First Street SE, Cedar Rapids, IA 52401, 319-286-5041

AMENDED MEETING NOTICE

The City of Cedar Rapids Historic Preservation Commission will meet at:

4:30 P.M.

Thursday, July 11, 2013

at

City Hall

101 First Street SE, Cedar Rapids, Iowa

AGENDA

Call Meeting to Order

Public Comment

Each member of the public is welcome to speak and we ask that you keep your comments to five (5) minutes or less. If the proceedings become lengthy, the Chair may ask that comments be focused on any new facts or evidence not already presented.

1. Approve Meeting Minutes

2. Action Items

- a) NEW Demolition Applications (*10 minutes*)
 - i. 945 Rockford Road SW – Private Property
 - ii. 1016 9th Avenue SE – Private Property

3. New Business

- a) Board of Ethics Advisory Opinion (*20 minutes*)
- b) 2014 Preserve Iowa Summit Funding and Participation (*20 minutes*)
- c) 10-Day Demolition Review Period (*10 minutes*)
- d) 1207 2nd Street SE (Tent & Awning) Notice of Demolition (*5 minutes*)

4. Old Business

- a) Demo applications UNDER REVIEW (*5 minutes*)
 - i. 345 27th Street Drive SE – Private Property – July 22, 2013
 - ii. 444 Fairway Terrace SE – Private Property – July 22, 2013
 - iii. 1132 Ellis Boulevard NW – City-Owned Property – August 26, 2013
- b) COA applications UNDER REVIEW (*10 minutes*)
 - i. 1726 Park Avenue SE – Replace Porch Windows – July 22, 2013
 - ii. 1527 2nd Avenue SE – Private Property – WITHIN LOCAL HISTORIC DISTRICT
- c) Historic District Markers (*5 minutes*)

5. Adjournment

FUTURE MEETINGS

Items for future agendas:

- a) Potential Local Historic District Nomination
- b) HPC Website and Brochure

MINUTES
HISTORIC PRESERVATION COMMISSION REGULAR MEETING,
Thursday, June 27, 2013 @ 4:30 p.m.

Police Substation, 1501 1st Avenue SE

Members Present: Amanda McKnight-Grafton Chair
Todd McNall Vice-Chair
Patricia Cargin
Bob Grafton
Candy Nanke
Tim Oberbroeckling
Barbara Westercamp

Members Absent: Moira Blake
Jon Thompson

HPC City Staff: Thomas Smith, Planner
Alex Sharpe, Planner
Alicia Abernathey, Administrative Assistant

Guests: Cindy Hadish, Dave O'Clair, Richard Held, Sara Lunsford

Call Meeting to Order

- Amanda McKnight-Grafton called the meeting to order at 4:31 p.m.
- Seven (7) Commissioners were present and two (2) absent.

Public Comment

- Members of the public introduced themselves.

1. Approve Meeting Minutes

- One amendment was requested for the June 13th meeting minutes.
- Barbara Westercamp moved to approve the minutes from May 23rd and the minutes from June 13th as amended. Tim Oberbroeckling seconded the motion. The motion passed unanimously.

2. Action Items

a. NEW Demolition Applications

i. 3601 Rogers Road NW – Private Property

- Thomas Smith stated the property was vacant and has holes in the roof with the ceiling collapsing. Salvage would not be an opportunity as the neighbor has already

salvaged the property. The house would be demolished and the land would be used for building a new home.

- Tim Oberbroeckling made a motion to approve demolition of 3601 Rogers Road NW. Barbara Westercamp seconded the motion. The motion passed unanimously.

ii. 1132 Ellis Boulevard NW – City-Owned Property

- Mr. Smith stated this is the A & W property and there was a development agreement for the property but after numerous extensions to the development agreement the developer defaulted on the property and the development agreement was terminated.
- Discussion included details of the development agreement under default and the possibility of finding others interested in rehabilitating the property.
- Bob Grafton volunteered to serve as the liaison for 1132 Ellis Boulevard NW.
- Tim Oberbroeckling made a motion to place the demolition for 1132 Ellis Boulevard NW on a 60-day review period for salvage and photo documentation opportunities. Barbara Westercamp seconded the motion. The motion passed unanimously.

iii. 1408 4th Avenue SE – Private Property

- Dave O’Clair stated the property was purchased for under \$10,000 with the plan to rehabilitate the property but there is approximately \$140,000 in rehabilitation costs. Mr. O’Clair stated the property is currently a duplex.
- Discussion included the iconic neighborhood the property is located in and the potential use of the property after the house is demolished.
- Discussion also included the potential of setting a precedent if demolition is approved by allowing property owners to neglect their properties to the point of requiring demolition.
- Todd McNall made a motion to place the demolition of 1408 4th Avenue SE on a 60-day review period for salvage. Candy Nanke seconded the motion. The motion passed with a vote of three (3) to one (1) with Amanda McKnight-Grafton, Bob Grafton and Pat Cargin abstaining.

3. New Business

a. Wellington Heights Neighborhood DRAFT Plan Discussion

- Sara Lunsford discussed the public open houses that were held to gather input from residents of the neighborhood and other members of the public.
- Discussion included comments were made in favor of the plan and suggestions to make certain aspects of the plan stand out.

Tim Oberbroeckling left the meeting at 5:47 p.m.

b. Recognition of Departing Members and Update on New Memberships

- Ms. McKnight-Grafton stated Jon Thompson would be stepping down from serving on the Historic Preservation Commission.
- Mr. Smith provided an update on new members joining the commission and pointed out a seat on the commission was still vacant.

4. Old Business

a. Demo applications UNDER REVIEW

- i. 345 27th Street Drive SE – Private Property – July 22, 2013**
- ii. 444 Fairway Terrace SE – Private Property – July 22, 2013**

- Mr. Grafton stated he met with the General Manager of the country club and is working to schedule dates for salvage to take place. Mr. Grafton stated 444 Fairway Terrace SE is still occupied so he was unable to tour the property.

b. COA applications UNDER REVIEW

i. 1726 Park Avenue SE – Replace Porch Windows – July 22, 2013

- Mr. Grafton stated he is still working to locate windows for the property.

ii. 1527 2nd Avenue SE–Private Property – WITHIN LOCAL HISTORIC DISTRICT

- Mr. Grafton stated he contacted the attorney for the estate of the property and discussed the possibility of investors.

5. Adjournment

- Barbara Westercamp made a motion to adjourn the meeting at 6:06 p.m. Todd McNall seconded the motion. The motion passed unanimously.

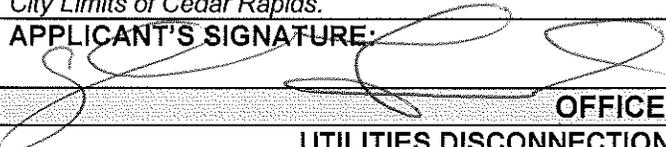
Respectfully Submitted,

Alicia Abernathey, Administrative Assistant II
Community Development



City of Cedar Rapids
Code Enforcement Division
 1201 6th St SW Cedar Rapids, IA 52404
 Main Phone: (319) 286-5831 Fax: (319) 286 5830

DEMOLITION PERMIT APPLICATION

Address of Demolition: <i>945 ROCKFORD ROAD SW CEDAR RAPIDS, IOWA</i>		Approximate Age of Structure Year Built:
GPN:	Reason: (optional) <i>DEM.U</i>	Future Plans: (optional)
Property Owners Name: <i>WELLS FARGO</i>		Phone:
Property Owners Address:		City / State / Zip Code
Contractor's Name: <i>D.W. ZENSER COMPANY</i>		Phone: <i>319-846-8090</i>
Contractor's Address: <i>1775 COMMERCIAL PK</i>		City / State / Zip Code <i>WAPLETON IA 52357</i>
Type of Building:	<input checked="" type="checkbox"/> Single Family	<input type="checkbox"/> Multi Family #
Size of Building: Dimensions are:	<i>90 x 15</i>	Number of Stories: Height:
Building has Basement:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No if Yes, What Dimensions:
DISPOSAL OF DEMOLITION MATERIALS		
<input checked="" type="checkbox"/> City of Cedar Rapids Landfill	<input type="checkbox"/> Private Landfill - Contact:	Phone #::
Address:		
It is the Responsibility of the <u>Permit Holder</u> to adhere to all Local, State And Federal Regulations regarding proper Inspections and Removal of Asbestos prior to any Demolition.		
UTILITIES INFORMATION		
All utilities shall be abandoned in accordance with City requirements and verified and/or inspected before Demolition Permit is issued and demolition begins.		
<i>I hereby certify that I have read and examined this application and affirm the above information as true and correct and also agree to comply with the provisions of the City of Cedar Rapids Codes and any other applicable Federal & State laws concerning the demolition process and/or disposal of demolition debris. I also certify that I am authorized to demolish this building as owner or agent of the owner and agree to assume complete responsibility for any liability arising from demolition of the above building. I also agree that no burning or burying of materials shall be done within the Corporate City Limits of Cedar Rapids.</i>		
APPLICANT'S SIGNATURE: 	DATE: <i>7-10-13</i>	
OFFICE USE ONLY		
UTILITIES DISCONNECTION INFORMATION & APPROVALS		
Water:	Alliant Energy:	
Sewer:	Mid-American Energy:	
Public Works:	MediaCom:	
CED:	Other:	
Zoning:	Other:	
PERMITTING INFORMATION		
Demolition Permit Number:	Date Issued:	
Demolition Permit Fee: \$	Date Paid:	
Zoning District:	Date All Utilities Were Disconnected:	
Permit Issued by:	Date Signed:	

Print report.

Appraisal Summary - GPN: 14294-33007-00000

(142943300700000)

Property Address: 945
ROCKFORD RD
SW
Cedar Rapids, IA

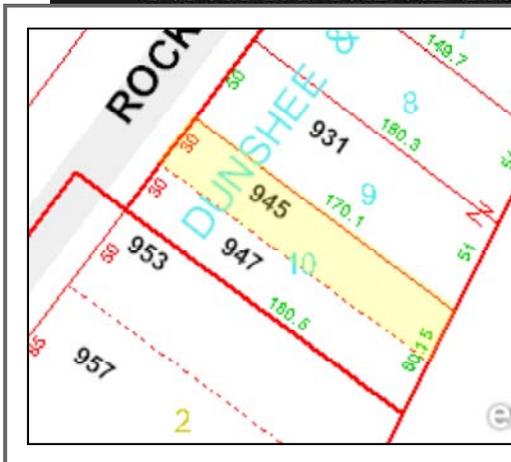


945 ROCKFORD RD SW

Class: Residential **Tax District:** 283 CR- YOUNGS HILL/KINGSTON
PDF: Res Permit Region 10 **Neighborhood:** SW 404
Plat Map: 2526

Deed Holder: WELLS FARGO FINANCIAL IOWA 3 INC

Mailing Address:
ONE HOME CAMPUS
DES MOINES IA
50312-0000



Legal Description: DUNSHEE & HARCOURT'S NE 30' STR/LB 10

Click map to see neighbor's summary page
[View complete GIS map.](#)
[Neighborhood map](#)

Homestead: **Military:**

LOT INFORMATION

[Scroll down for sketch.](#)

Disclaimer: Assessor's lot sizes are for assessment purposes only and may NOT represent actual dimensions. For more accurate, complete data refer to GIS maps, plat maps, or legal documents.

SEGMENT #1	Front	Rear	Side 1	Side 2
	30	30	170	175

RESIDENTIAL DWELLING

Occupancy: Single-Family
Style: 1 Story Frame
Year Built: 1923
Exterior Material: Asb
Above-Grade Living Area: 600 SF
Number Rooms: 4 above, 0 below
Number Bedrooms: 2 above, 0 below
Basement Area Type: Full
Basement Finished Area: 0 SF
Number of Baths: 1 Full Bath
Central Air: No
Heat: FHA - Gas
Number of Fireplaces: None
Garage: None

Porches and Decks: 1S Frame Enclosed (112 SF); Stoop W/ Railing (20 SF)
Yard Extras: None

NOTES:

PRE RVAL:Res: SHED 9 X 8 N/C. FuncDesc: EC.

PRE RVAL:OS BATH

01/21/2004-SHINGLES SHOW WEAR. NO CHARGE 9 x 8 SHED.

1-2011 6YR CYCLE - NO CHANGES. INFO PER OWNER. 11/15/10 WK

2013 ASSESSMENT

Land \$12,840
 Dwelling \$34,082
 Improvements \$0
Total \$46,922

SALES

Date	Type	Volume/Page	\$ Amount
1/17/2013	Deed	8572/12	\$19,732
9/26/1996	Deed	3394/518	\$0

2012 ASSESSMENT

Land \$12,840
 Dwelling \$34,082
 Improvements \$0
Total \$46,922

PERMITS

Date	Description
	- No permit information available -

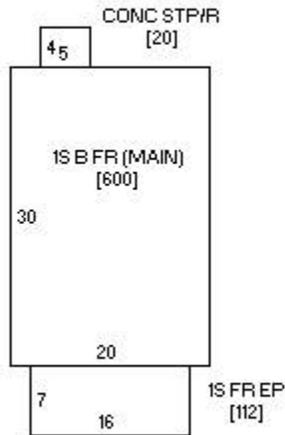
2011 ASSESSMENT

Land \$12,840
 Dwelling \$34,082
 Improvements \$0
Total \$46,922

2010 ASSESSMENT

Land \$12,840
 Dwelling \$34,082
 Improvements \$0
Total \$46,922

Sketch



[Estimate Taxes](#) [Tax History](#) [Pay Taxes](#)

Disclaimer: The information in this web site represents current data from a working file which is updated continuously. Information is believed reliable, but its accuracy cannot be guaranteed. The maps and data provided by this web site, represent data from the Cedar Rapids City Assessor's Office, as used for assessment purposes. No warranty, expressed or implied, is provided for the data herein or its use.

Property photos or data incorrect? [Click Here](#)



City of Cedar Rapids
Code Enforcement Division
 1201 6th St SW Cedar Rapids, IA 52404
 Main Phone: (319) 286-5831 Fax: (319) 286 5830

DEMOLITION PERMIT APPLICATION

Address of Demolition: <i>1016 9TH AVE SE CEDAR RAPIDS IOWA</i>		Approximate Age of Structure Year Built:
GPN:	Reason: (optional)	Future Plans: (optional)
Property Owners Name: <i>MERCY HOSPITAL</i>		Phone:
Property Owners Address:		City / State / Zip Code
Contractor's Name: <i>D.W. ZENSER COMPANY</i>		Phone: <i>319-846-8090</i>
Contractor's Address: <i>1775 COMMERCIAL PK</i>		City / State / Zip Code <i>WALTON IA 52357</i>
Type of Building:	<input checked="" type="checkbox"/> Single Family	<input type="checkbox"/> Multi Family # Units Commercial <input type="checkbox"/> Accessory Building
Size of Building: Dimensions are:	Number of Stories:	Height:
Building has Basement:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No if Yes, What Dimensions:	
DISPOSAL OF DEMOLITION MATERIALS		
<input checked="" type="checkbox"/> City of Cedar Rapids Landfill	<input type="checkbox"/> Private Landfill – Contact: Address:	Phone #:
It is the Responsibility of the Permit Holder to adhere to all Local, State And Federal Regulations regarding proper Inspections and Removal of Asbestos prior to any Demolition.		
UTILITIES INFORMATION		
All utilities shall be abandoned in accordance with City requirements and verified and/or inspected before Demolition Permit is issued and demolition begins.		
<i>I hereby certify that I have read and examined this application and affirm the above information as true and correct and also agree to comply with the provisions of the City of Cedar Rapids Codes and any other applicable Federal & State laws concerning the demolition process and/or disposal of demolition debris. I also certify that I am authorized to demolish this building as owner or agent of the owner and agree to assume complete responsibility for any liability arising from demolition of the above building. I also agree that no burning or burying of materials shall be done within the Corporate City Limits of Cedar Rapids.</i>		
APPLICANT'S SIGNATURE: 	DATE: <i>7-10-13</i>	
OFFICE USE ONLY		
UTILITIES DISCONNECTION INFORMATION & APPROVALS		
Water:	Alliant Energy:	
Sewer:	Mid-American Energy:	
Public Works:	MediaCom:	
CED:	Other:	
Zoning:	Other:	
PERMITTING INFORMATION		
Demolition Permit Number:	Date Issued:	
Demolition Permit Fee: \$	Date Paid:	
Zoning District:	Date All Utilities Were Disconnected:	
Permit Issued by:	Date Signed:	



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Address of Demolition: <i>1016 9TH AVE SE CEDAR RAPIDS IOWA</i>		Approximate Age of Structure Year Built:
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Property Owners Name: <i>MERCY HOSPITAL</i>		Phone:
Property Owners Address:		City / State / Zip Code
Contractor's Name: <i>D.W. ZINSEK COMPANY</i>		Phone: <i>319-846-8090</i>
Contractor's Address: <i>1775 COMMERCIAL DR WALFORD IA 52357</i>		City / State / Zip Code
Type of Building:	<input type="checkbox"/> Single Family <input type="checkbox"/> Multi Family # <input type="checkbox"/> Units <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Accessory Building	
Size of Building: Dimensions are:		Number of Stories: Height:
Building has Basement: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No if Yes, What Dimensions:		
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APPLICANT'S SIGNATURE: 		DATE: <i>7-10-13</i>
OFFICE USE ONLY		
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Water:	Alliant Energy:	
Sewer:	Mid-American Energy:	
Public Works:	MediaCom:	
CED:	Other:	
Zoning:	Other:	
PERMITTING INFORMATION		
Demolition Permit Number:		Date Issued:
Demolition Permit Fee: \$		Date Paid:
Zoning District:	Date All Utilities Were Disconnected:	
Permit Issued by:	Date Signed:	

Print report.

Appraisal Summary - GPN: 14223-56001-00000

(142235600100000)

Property Address: 1016 9TH AVE SE
Cedar Rapids, IA



Class: Exempt

Tax District:

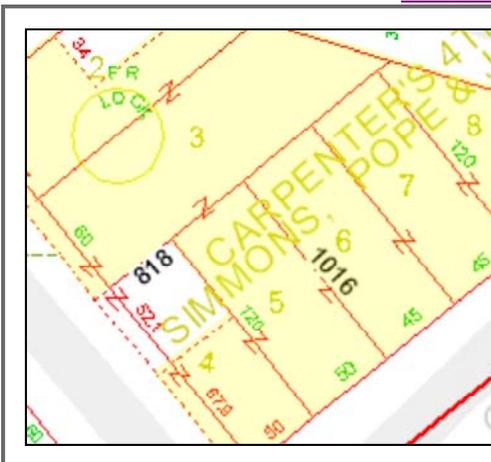
428 CR-CR
SCH/RIVERSIDE-
OAK/MED-Q
SSMID2

PDF: Exempt
Plat Map: 2423

Neighborhood: WAREHOUSE

Deed Holder: MERCY HOSPITAL

Mailing Address: CRIST
FINANCE DEPT
701 10TH ST SE
CEDAR RAPIDS
IA 52403



[Additional](#)

Legal Description: CARPENTER'S 4TH (SIMMONS, POPE & JONES REPLAT) (LESS NW'LY 34' NE'LY 48' MEAS ON NW'LY LN) LOT 2, ALL LOT 3 & (LESS NW'LY 52') LOT 4 & ALL LOTS 5 THRU 8 & 10' SW & ADJ LOTS 2 & 3 & 10' SW & ADJ TO SE 67.9' LOT 4 STR/LB FR34

Click map to see neighbor's summary page
[View complete GIS map.](#)
[Neighborhood map](#)

Homestead:

Military:

LOT INFORMATION

[Scroll down for sketch.](#)

Disclaimer: Assessor's lot sizes are for assessment purposes only and may NOT represent actual dimensions.
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SEGMENT #1: 0.99 Acres; 42,907 SF

COMMERCIAL BUILDINGS

Metal Warehouse - Milled Wood Frame: 7,014 SF (Built 1996)
Metal Shop - Steel Frame: 2,400 SF (Built 2000)

YARD ITEMS

Paving: 630 SF, Concrete Parking, Average Pricing, Lighting: No (blt-1985)
Paving: 8,750 SF, Concrete Parking, Average Pricing, Lighting: No (blt-2000)
Paving: 7,000 SF, Asphalt w/Curbs, Average Pricing, Lighting: No (blt-2003)
Yard Lighting - Sodium/Halide: 1 Poles, 25 Pole Ht, 2 Lights, 400 Watts (blt-2003)

NOTES:

14223-56006-00000, 14214-85001-00000, 14214-86004-00000, 14214-86006-00000, 14214-86008-00000, 14214-86010-00000, 14272-27002-00000, 14272-27002-00000, 14272-28001-00000, 14272-30001-00000, 14272-31001-00000, 14272-

31002-00000, AND 14272-31003-00000. ***

*****OWNER OCCUPIED-SINGLE TENANT. LAND SF=42894.9 BUILDING SF=7014. L TO B RATIO=6.12. ***

04/08/2002 MERCY AMBULANCE SHOP AND STORAGE. BLDG 1 =SHOP BUILT IN 2000. INTERIOR WALL AND CEILING ARE MTL LINED. HEAT IS IN FL. INTERIOR HAS OFFICE,TR AND MEZZ. BLDG 2 AND ADN 1 FORMER SHOP NOW USED TO STORE VEHICLES

*** FALL 2003 - RETROACTIVE TO 1/1/03 ADDED 8% COMM'L EQUALIZATION TP COMM'L EXEMPTS (LV- 153187 BV-235101 TV-388288) ***

NOTE: PART OF 2003 PARKING LOT LOCATED ON #14223-56009-00000. COULD NOT COMBINE DUE TO PROPERTY CLASS & DIFFERENT OWNERSHIP. ***

11/7/03 ADD PAVING & YARD LIGHT. JMR ***

EQUIPMENT STORAGE. THIS AREA HAS VACUM GAS HEAT WITH DRYWALL ON WALLS AND CEILING. ADDN 2 IS WAREHOUSE TYPE BLDG WITH NO INSUL,HEAT OR PLBG. ADDNS 3,4&5 ARE FORMER 2S RETAIL BLDG NOW USED FOR STORAGE. HEAT AND PLBG HAS BEEN

REMOVED. INTERIOR IS IN POOR CONDITION. OWNER HAS SEVERAL PARCEL IN THE AREA.

2013 ASSESSMENT

Land	\$153,187
Dwelling	\$0
Improvements	\$267,678
Total	\$420,865

SALES

Date	Type	Volume/Page	\$ Amount
11/30/1999	Deed	4014/428	\$208,000
3/5/1998	Deed	3638/67	\$95,000

2012 ASSESSMENT

Land	\$153,187
Dwelling	\$0
Improvements	\$267,678
Total	\$420,865

PERMITS

Date	Description
5/15/2003	PLOT - PARKING LOT

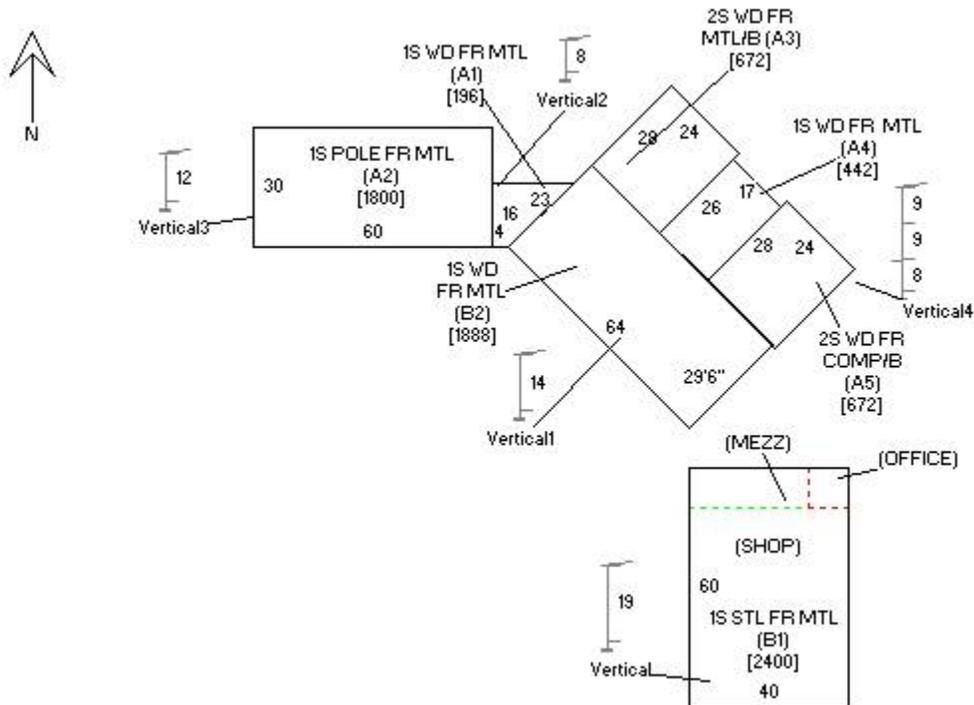
2011 ASSESSMENT

Land	\$153,187
Dwelling	\$0
Improvements	\$267,678
Total	\$420,865

2010 ASSESSMENT

Land	\$153,187
Dwelling	\$0
Improvements	\$255,371
Total	\$408,558

Sketch



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Property photos or data incorrect? [Click Here](#)

Parcel ID: 142235600100000

Photo 1



Photo 2



Photo 3





TO: MAYOR/CITY COUNCIL
JEFF POMERANZ
ALISSA KAISER
BOARD AND COMMISSION STAFF LIAISONS

FROM: JAMES H. FLITZ

SUBJECT: Board of Ethics Advisory Opinion – Not for profit Service

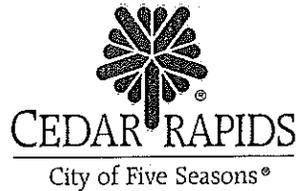
DATE: May 3, 2013

Attached is a new advisory opinion issued by the Cedar Rapids Board of Ethics. By copy of this memo, I am asking that Alissa Kaiser place it on the City's web page. Also by copy of this memo, I am asking that each Board and Commission Staff Liaison make this available to their respective bodies.

Thank you for your attention to this matter.

JHF:es

cc: Cedar Rapids Board of Ethics



April 24, 2013

Cedar Rapids City Council-Person Kris Gulick
Cedar Rapids City Hall
101 1st Street SE
Cedar Rapids, Iowa 52401

Sent via email only-no hardcopy to be sent

Re: Request to Cedar Rapids Board of Ethics for Advisory Opinion

Dear Council-Person Gulick:

The Cedar Rapids Board of Ethics met on April 19, 2013 in response to your March 28th request for an advisory opinion.

Your request stated that you are on the board of directors of the Cedar Rapids Area Convention and Visitor's Bureau and that the bureau:

“obtains a substantial amount of funding from the city’s hotel motel tax funds. I have not [received] personal financial gain from my membership on the board. In the past my practice has been to recuse myself from voting on actions that provide funding to the organization out of an appearance of a conflict of interest.”

You also stated that members of boards and commissions and council members do participate in not for profit organizations as members or as board members. These organizations make a variety of requests to the city.

We are assuming that you are a voting member of the bureau’s board of directors and that the bureau receives funding from other sources including member organizations.

Conflicts of Interest

There are five different actions that result in a conflict of interest violation defined in the Cedar Rapids Municipal Code, Section 6.22.

1. Subsection 6.22(c)(6)(A) states that a conflict of interest action occurs when a City Official has or can reasonably be expected to have a “Private Financial Interest in the outcome.” A Private Financial Interest or Private Gain is defined at Subsection 6.22(c)(9) as any direct or indirect economic benefit or other consideration that is not otherwise a benefit or consideration to the general public. This benefit

or consideration goes to the City Official or a member of their immediate family or it goes to any business entity or organization that employs the City Official or their immediate family or in which the City Official or their immediate family has an ownership interest of 5% or more of the voting power or capital interest.

The Board has concluded that this definition does not apply to your situation.

2. Subsection 6.22(c)(6)(B) states that a conflict of interest action occurs when a City Official accepts gifts and other things of value in violation of applicable provisions of the Iowa law or the City's Municipal Code.

The Board has concluded that if you accept a gift or something of value from the not for profit that is prohibited by City Ordinance or Iowa law then there is a conflict of interest. The Code of Iowa, Chapter 68B.22, para. 4(f) exempts from the gift restrictions:

Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.¹

3. Subsection 6.22(c)(6)(C) states that a violation occurs when a City Official acts in a private capacity on matters dealt with as a City Official and the official's act does not involve participating in a City program or process like any member of the general public.

This subsection focuses upon the City Official's private actions when the City Official has a public duty to act on the same matter. The Ethics Board has not defined "private action". A private action could have a financial component that benefits a third party but does not benefit the City Official as defined above. This could be interpreted as restricting actions as a not for profit board member in a certain matter if in your status as a City Official you have acted on such matter as well.

The 2005 City Charter directed the City Council to establish the Board of Ethics to administer and enforce a conflict of interest and financial

¹ The City Attorney's Office may provide guidance on this state statute and the municipal ordinance.

disclosure ordinance. The Charter states: "The use of public office for private gain is prohibited." Examples include "acting in a private capacity on matters dealt with as a public official." Subsection 6.22(c)(9) defines both "private financial interest" and "private gain" as "direct or indirect economic benefit or other consideration."

The current ethics ordinance language follows the Charter intent by prohibiting "direct or indirect economic benefit or other consideration" received by the City Official. The intent is to restrict the actions of City Officials in the performance of their official duties to prevent financial gain. The intent is not to restrict private actions such as fulfilling duties as a not for profit board member. **The Board has concluded** that if your private action as a board member in a matter previously dealt with by you as a public official does not result in a financial gain to you or a member of your immediate family then no conflict of interest occurred, in this particular respect.

4. Subsection 6.22(c)(6)(D) states that "use of confidential information for purposes other than the fulfillment of the City Official's official duties" is a conflict of interest.

The Board has concluded that if non-public information obtained in your capacity as a City Official is provided to your not for profit organization, there is a conflict of interest violation.

5. Subsection 6.22(c)(6)(E) states that it is a conflict of interest to make "appearances" on behalf of the private interests of third parties without full and complete disclosure of:
 - a. your relationship with the third party;
 - b. your status as a City Official; and
 - c. that your appearance is on behalf of the third parties and not in any official capacity as a City Official.

An "appearance" is defined by Subsection 6.22(c)(1) as "any communication by a City Official of any kind...regarding a matter or issue to be determined by any City Agency."

The Board has concluded that this prohibition requires you to disclose your relationship to the not for profit organization when talking with city staff or officials. When there is discussion or action related to that organization in your role as a City Official, there must also be disclosure. Failure to do so is a conflict of interest violation. The disclosure must be documented.

This disclosure requirement, in and of itself, does not require a recusal. You must refer to the other prohibitions discussed above in making

that decision.

Federal Rules

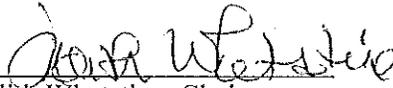
You also asked for a determination whether or not your action might violate rules in the use of federal grants and funding. The City's Finance Department is aware of the federal regulations that define conflicts of interest and include circumstances where there can be an "appearance of a conflict of interest."

These federal rules are not within the jurisdiction of the Board of Ethics. You may wish to consult with the City's Finance Department for further guidance.

Thank you for your request for an advisory opinion. On behalf of the Board's members, we hope that it provides the guidance you were seeking.

Cedar Rapids Board of Ethics

By:



Judith Whetstine, Chair

Copies to:
Cedar Rapids Mayor and City Council
Cedar Rapids Finance Department



Community Development Department
City Hall
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

To: Historic Preservation Commission (HPC)
From: Thomas Smith, Planner
Subject: 2013 Preservation Showcase Recap / 2014 Preserve Iowa Summit Options
Date: July 11, 2013

Background:

As part of a Letter of Agreement (LOA) with the State related to the demolition of potentially historic buildings after the 2008 flood, Cedar Rapids is responsible to complete a number of mitigation measures to compensate for the lost structures. One of these measures is to host five years' worth of historic preservation-related conferences in Cedar Rapids in conjunction with National Historic Preservation Week. The HPC completed two of these conferences through its Preservation Showcase events in May 2012 and 2013. Approximately \$15,000 is available for each conference event.

Cedar Rapids has been named the host city for the 2014 Preserve Iowa Summit, and initial preparations for the conference are underway. The first-ever Preserve Iowa Summit is being held August 22-24 this year in Burlington. The event, which will take the place of the Iowa Downtown Summit and Statewide Historic Preservation Conference, will be the only statewide annual conference for professionals and volunteers involved in historic preservation and historic commercial district revitalization in Iowa.

On March 28, two members of the Cedar Rapids Preserve Iowa Summit planning team asked the HPC to join forces with other local preservation groups in planning the conference, and requested that the HPC consider allocating funding for a 2014 Preservation Showcase to the Preserve Iowa Summit instead. The State has indicated that the \$15,000 annual funding for preservation conferences in Cedar Rapids could be used toward the Preserve Iowa Summit and meet the terms of the LOA.

The HPC asked the Preserve Iowa Summit planning team to return with a better idea of a budget for the event and the contributions other participants would be making to the conference.

2013 Preservation Showcase Recap:

The 2013 Preservation Showcase was held at a total cost of \$16,091.11. A breakdown of the costs is provided below:

Speakers	\$11,200.00
Design/Marketing	\$1,700
Space Rental	\$1,500
Printing Costs	\$913.64

Catering	\$497.12
Awards	<u>\$280.35</u>
TOTAL	\$16,091.11

2014 Preservation Event Funding Pros and Cons:

If granted, the 2014 Preserve Iowa Summit planning committee’s request for \$15,000 to help host the Summit in Cedar Rapids would mean that a 2014 Preservation Showcase would not be held. The following pros and cons have been identified in choosing to fund the 2014 Preserve Iowa Summit instead of a 2014 Preservation Showcase:

Pros

- Increased exposure of the HPC’s work and preservation in Cedar Rapids to a statewide audience, which would include tours around the city and use of multiple historic venues for conference spaces.
- Selection of higher quality, nationally recognized speakers, some of whom live out-of-state and would be too expensive to bring to the area otherwise.
- Ability for HPC to provide direct input in determining the speakers.
- Demonstration of synergy and collaboration between all state and local preservation groups in staging a significant event to highlight the benefits of historic preservation. Ensures that no one person or group is burdened with too much during the planning and development process.
- Potential to draw hundreds of people to the area, some of whom may have never visited Cedar Rapids.
- SHPO and the Iowa Economic Development Authority are in support of a decision to fund the 2014 Preserve Iowa Summit with the available \$15,000 in funds.
- Opportunity for marketing and invitations to a 2015 Preservation Showcase, which would build interest for the following year’s event.

Cons

- Would break the routine of May preservation events in Cedar Rapids for the past two years.
- Would not give HPC the ability to independently control and determine every aspect of the Preserve Iowa Summit.
- Preserve Iowa Summit may have a registration cost, whereas the Preservation Showcase has always been free.



Community Development Department
City Hall
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

To: Historic Preservation Commission (HPC)
From: Thomas Smith, Planner
Subject: Demolition Ordinance Definition Update: 10-Day Wait Period Extension
Date: July 11, 2013

Background:

At its June 27 meeting, the HPC expressed concern with the amount of time currently permitted to review demolition applications, especially those that are submitted to the City less than 48 hours before a meeting. The City's Chapter 18 Historic Preservation ordinance currently requires the HPC to review demolition applications within a "ten (10) business day wait period" after a demo application is received by City staff. Because of the current twice-monthly meeting schedule of the HPC, staff must add demolition applications received even on the day of the meeting to an HPC agenda. If the application isn't reviewed at that day's meeting, the ten business day wait period expires prior to the next HPC meeting, and the demolition application must be released without any review for historic significance.

Under the current constraints, the HPC doesn't have adequate time to visit a site or investigate any historic significance for demo applications received 24 hours prior to an HPC meeting. This lack of time forces the HPC to make its determinations with very little evidence or research. The HPC asked staff to determine ways to improve this situation and allow more time for proper notice and review of applications.

Staff Recommendation:

In order to provide the HPC with more time to review demolition applications and make proper determinations of a building's historic significance, staff recommends extending the 10 business day wait period to a 15 business day wait period. By adding five additional business days to the wait period, the following goals can be accomplished:

- Demolition applications not received the Friday prior to an HPC meeting will be scheduled for the next available HPC meeting afterward. This gives HPC members at least 32 hours' notice to review demolition applications before a meeting.
- Staff can publish a notice in the Gazette for all demolition applications to be reviewed at an upcoming HPC meeting.
- Agenda packets may be sent the Monday prior to a meeting instead of 24 hours in advance.

Next Steps:

The Commission approved an updated demolition definition at its May 9 meeting, and an updated definition of a historic structure that includes accessory buildings at its June 13 meeting. With a recommendation to extend the 10 business day wait period by five additional business days, the remaining items to be discussed and recommended by the HPC to update Chapter 18 include:

- Consideration for how to capture changes to the facades of buildings in the City's local historic districts that do not require City permits.

A tentative schedule to present all of the ordinance changes to City Council is as follows:

- July 11 – Review and recommendation of revised business day wait period
- August 8 – Review and recommendation of ornamentation changes
- August 28 – Review of the full historic preservation ordinance update by the Council Development Committee
- September 10 – City Council motion setting a public hearing
- September 24 – City Council public hearing