

**City of Elk Run Heights
Special Council Meeting
Eddis Winstead Council Chambers
October 2, 2019 - 5:00 p.m.**

The City Council of the City of Elk Run Heights, Iowa met in special session, according to law, the rules of said Council and prior notice given each member thereof, in the Eddis Winstead Council Chamber of City Hall of Evansdale, Iowa at 5:00 p.m. on the above date. Council members present in order of roll call: Schellhorn, Smock, Ratchford, Bass. Absent Wilson. Quorum present.

Wilson/Ratchford to approval of the October 02, 2019 Agenda

Discussion/possible action: Revising the covenants and restrictions associated with Elk Run Third Addition. Councilor Ratchford stated the homeowner at 5338 Lafayette reached out to him regarding a letter he received from the City. Mr. Oestreich has an issue with not being able to park his RV in his driveway, but according to the City Code he is not able to park in the front or the back of his home. Ratchford agreed that is what is stated on the covenants and restrictions that were signed at the time of purchase. Council stated they have no issues with them parking in the back yard, and the City Code does not state this as a violation. But the covenants and restrictions they signed states otherwise. It was agreed that the subdivision is responsible to make a complaint and that is when the city gets involved. City Clerk Eastman stated the other reason for this agenda item was regarding the potential buyer of Elk Run Third Addition Lot 1 is wanting to build a house on a slab. According to the covenants and restrictions that pertain to the Elk Ridge Estates that were adopted for the Elk Run Third Addition in March of 2018 building a house on a slab is not allowed. Councilor Ratchford stated he did not have a problem with it being built. It was mentioned that the Shirley Addition has multiple slab homes, but it isn't listed in the covenants for that particular addition. It was pointed out that there are several homes that are built on a slab, but they are handicap accessible. City Realtor Emily O'Donnell stated this would be handicap accessible as well. Counselor Schellhorn added he would have a hard time agreeing to allowing a slab home. Counselor Bass stated we set those covenants for the area so we could choose to change it as well. Counselor Smock responded that we are setting those rules to better our city future. O'Connell brought up that the width of the lot is an issue, but the option of a handicap accessible home and the smaller yard would be attractive to retirees when it comes to resale. It was decided to amend the covenants pertaining to the Elk Run Third Addition by adding "a slab home could be built if it is going to be handicap accessible and meet ADA requirements." Smock/Bass to approve amending the covenants and restrictions for the Elk Run Third Addition. Roll call vote: Ayes-four.

Ratchford/Smock motion to enter closed session at 5:35 p.m. pursuant to Chapter 21.5 (1) (j) of the Iowa code: To discuss the sale of property located at Elk Run Third Addition Lot 1. Ratchford/Schellhorn to return to regular session at 5:42 p.m. Roll call vote: Ayes-four.

Smock/Bass motion to counteroffer with a contingency to provide the City with blueprints meeting ADA standards. Ayes-four. Motion carried.

Ratchford/Smock motion to adjourn 5:48 p.m.

Attest:

Tim Swope, Sr., Mayor

Julie Eastman, City Clerk